

STAFFORD COUNTY PLANNING COMMISSION MINUTES

April 20, 2011

The meeting of the Stafford County Planning Commission of Wednesday, April 20, 2011, was called to order at 6:31 p.m. by Chairman Gordon Howard in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Howard, Rhodes, Fields, Hazard, Mitchell, Kirkman and Hiron

MEMBERS ABSENT: None

STAFF PRESENT: Baker, Smith, Stinnette, Zuraf, Hudson, Ennis, Lott, Forestier and Johnson

DECLARATIONS OF DISQUALIFICATION

Mr. Howard: Are there any declarations of disqualification from anyone on tonight's agenda? Hearing none, is there anyone would like to move to adopt the agenda as written?

Mr. Rhodes: So moved.

Mr. Mitchell: Second.

Mr. Howard: Any discussion? Hearing none, I'll now call for the vote on the agenda as posted. All those in favor signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hiron: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 6 to 0. We're now into Unfinished Business and the first item on the agenda this evening is the Floor Area Ratio in the commercial and industrial zoning districts.

UNFINISHED BUSINESS

1. Floor Area Ratios (FAR) in the Commercial and Industrial Zoning Districts (**Time Limit: June 1, 2011**) (**Deferred at April 6, 2011 Meeting to April 20, 2011 Meeting**)
(*Authorize for Public Hearing by: May 4, 2011*)
(*Potential Public Hearing Date: June 1, 2011*)

Mrs. Baker: Please recognize Mike Zuraf.

Mr. Howard: Thank you Mrs. Baker.

Planning Commission Minutes
April 20, 2011

Mr. Zuraf: Good evening Mr. Chairman and members of the Planning Commission. I'm filling in for Andrea on this issue which has been on your agenda the last few meetings. We did provide to you information that was requested at the previous meeting. You did want information on the population figures of Prince William and Spotsylvania County which we have been comparing ourselves to in this exercise; so that's been provided. And also provided a copy of the TND Ordinance; there was discussion on I guess request and wanting to see that ordinance as kind of a comparison as this is being considered. And with that, I guess I'll turn it back to you Mr. Chairman to see how you'd like to proceed with this item at this point.

Mr. Howard: Well, I'll bring it back to the Commission to see if there's any questions. I know there were some additional questions in terms of the floor area ratio and how that compared to Spotsylvania and also to Prince William County, which we were provided a chart at the last meeting. And my understanding of that chart... and I'm not sure how familiar you are with it Mr. Zuraf... but it was all one-story calculations of examples in that chart; is that right?

Mr. Zuraf: Yeah.

Mr. Howard: So, because of that, it would probably... that chart was representing a considerable amount of land that would be taken based on the floor area ratios that are recommended I guess in those columns, because these were all proposed one-story buildings?

Mr. Zuraf: Well, actually, my understanding of it is, regardless of the amount... whatever the amount of land that is either existing as zoned commercial or planned to be commercial, it figures or determines what the maximum amount of commercial square footage would result when you apply these new floor area ratios to that number. So it's regardless of the height, so whatever that resulting square footage is it could be in any building height as long as it's within the maximum heights that are in our ordinance.

Mr. Howard: So let me play this out then. The floor area ratio calculation is the total gross floor area divided by the total area of the lot; is that right?

Mr. Zuraf: Yes.

Mr. Howard: So, the parcel let's say is one acre, right, so that's 43,560 square feet I think?

Mr. Zuraf: Yes.

Mr. Howard: Okay. So, if you took a building and we used one of these calculations that are on the chart... I don't know if you have the chart in front of you... but the proposed calculation, or the proposed build-out percentage, because FAR is a percentage of the land... do you have the chart from last time?

Mr. Zuraf: Yes.

Mr. Howard: Okay. So, just take B-1 Convenience Commercial and just carry that across. If you were B-1 Convenience Commercial and we had one acre, which is 43,560 square feet, what size building could we build on that parcel? And if you don't have a calculator...

Planning Commission Minutes
April 20, 2011

Mr. Zuraf: Today would be, under the current floor area ratio, under B-1 is .5 so that would be a 21,780 square foot building.

Mr. Howard: Okay; 21,780 square feet. Now, if someone decided they wanted to do a two-story building, what's the total square footage of that building using that same ratio?

Mr. Zuraf: Well, the total square footage is the same, but the footprint would be half of that.

Mr. Howard: Correct. And that's what I wanted everyone to understand. So, the total floor area ratio or the total square footage, floor area square footage, can't change based on the ratio to the parcel. In other words, you could go vertical...

Mr. Zuraf: Right.

Mr. Howard: ... or you could stay horizontal, but no matter what happens the size of that building wouldn't be larger than 21,870 square feet.

Mr. Zuraf: Correct.

Mr. Howard: Okay. Alright, are there any other questions? I just wanted everyone to understand because we got into some different conversations at the last meeting and when I was looking through my notes, I know it was a little confusing for me. So, I'll bring it back to the Commission, if there's any additional questions of... you know, using that same I guess thought process, if you carried it out with the proposed FAR, what would the size of the building be? I'm sure that will come up.

Mr. Zuraf: 26,136.

Mr. Howard: So it's an increase roughly of 5,000 square feet.

Mr. Zuraf: Yes. One thing I can add is I understand there was... wanting to discuss how the existing TND Ordinance might apply in evaluating these changes. The one thing make the Commission aware of is that the TND Ordinance does not actually a floor area ratio within it. That's not even a factor. The, I guess, other design criteria drives the FAR in the TND Ordinance. The issues of building height, the setbacks from the street, the parking requirements, all those things are looked at as driving what the ultimate floor area ratio would be, but there's no cap. And just looking at well, how do we figure what that is, I looked at the Aquia Town Center project that is proposed because that's the only TND project that's approved, to give you some numbers on what that project would potentially be as far as floor area ratio; that's a 35 acre site. It was approved for 727,000 commercial square feet, also 287 residential units, which would account to a million square feet if you included the residential square footage in this. So the floor area ratio though on the Aquia Town Center site could be up to, for only the commercial portion, could be .47. If you apply all the development, including the residential square footage, that would be up to .65. So, just for comparison.

Mr. Howard: In the current TND Ordinance it would be .65.

Mr. Zuraf: Well, yeah, under the... well that was basically under the parameters that were established under the proffers of that project.

Planning Commission Minutes
April 20, 2011

Mr. Howard: Okay.

Mr. Zuraf: The caps that were set on the square footage.

Mr. Howard: Either in that project or in the proposed FAR zoning ordinance, how is RPAs calculated? So, if there's a lot, is that part of the total square footage of the acreage? Is that included in that or is that excluded, is that removed from that? I couldn't find that; I was looking for that today. And again, I'm sorry to put you on the spot. I know that you're filling in for Mrs. Hornung. But I think she filled in for you two weeks ago.

Mr. Zuraf: Yeah, you don't subtract RPA, you subtract wetlands, floodplains and steep slopes though... not in commercial.

Mr. Howard: Not in commercial, okay.

Mr. Zuraf: Yeah, it's just flat out... you'd look at the site regardless of the environmental features.

Mr. Howard: Okay. Alright, again, I keep saying I'll bring it back. Were there any other questions from any other Commissioners for Mr. Zuraf on the FAR?

Mr. Fields: So, in the TND which is let's say more... as we evolve right towards some of this more mixed use and urban development... the thinking is is that the floor area ratio is really a product of more things like form based code and general overall conceptualization of what the place itself looks like rather than a prescriptive requirement that it be exactly this number?

Mr. Zuraf: Yeah.

Mr. Fields: In other words, the idea is that there's maybe greater or lesser appropriateness to floor area ratios depending on the project itself.

Mr. Zuraf: Yeah, and you end up getting away from the idea of walkability. If you're applying that type of floor area ratio on parcels, then that could potentially cause further separation of uses and it would take away from the ideas of form based code and the TND specifically.

Mr. Fields: I wonder if there is... is there a way maybe to think about this in a different way as we're trying to sort out this problem? Are we... you know, when we string this out over so many weeks I sometimes I lose track of where we started. I mean, it seems to me that rather than arbitrarily... since in what we would consider the TND and some other things as we're progressing towards this mixed use is a more... I don't want to say advanced but probably a more modern or progressive community-based approach to zoning, is it really appropriate to modify floor area ratios or come up with a solution that incentivizes more sustainable mixed use development and, therefore, gives flexibility in the floor area ratios if somebody chooses to develop that way versus simply... Because it sounds like to me, no matter what it is, that a proscriptive exact number of floor area ratio is not really getting at what you want in a high quality built environment. Or is there so many parcels of this flat commercially zoned land that you're just stuck with this reality no matter what?

Mr. Zuraf: Well, this may be more of a benefit for all the other properties that are out there along our commercial corridors. I guess it may be less of a... serve less of a purpose... this whole proposal may

Planning Commission Minutes
April 20, 2011

serve less of a purpose in the urban areas because you probably need to do more than just... it's more than just tweaking the floor area ratios. It's going to be getting at setbacks and buffers and things like that that are really going to be the issue there. The issue here with this proposal may just allow more flexibility for people who are on more of those sites, you know, that are along commercial corridors that we currently have along 610 or 17. You know, they're still going to have to deal with the height requirements and parking requirements and buffer requirements potentially, so if those things work out this just provides them a little more flexibility if there is room for them to provide more square footage for them to do so.

Mr. Howard: Mr. Zuraf, how do you see this playing out? If an applicant were to come forward and, we're going to be talking about the RDAs later tonight, and the RDAs are inside of a UDA, and the applicant comes forward and they're proposing a certain type of build-out and they're focused on the RDA portion that's in the Comp Plan. But there's overlap from the Urban Development Area and then let's just say that this is in place, this new floor area ratio zoning ordinance. Is there conflict within those three?

Mr. Zuraf: There still will be a little conflict. I think you're still going to need additional changes in our ordinances.

Mr. Howard: Well, getting to Mr. Fields' point, the floor area ratio doesn't help you with aesthetics and it certainly doesn't help you with height requirement, right? It's just really the size of that building.

Mr. Zuraf: Yeah, the setbacks are still going to be probably a little bit more than what you're going to see in a UDA and an urban environment, because you're still going to have the 40 foot setback and things that don't really...

Mr. Howard: Correct. But yet in the RDA we do have some specific requirements for mixed use ratios and also I think there's some aesthetic requirements or is a desire to have aesthetic requirements.

Mr. Zuraf: Well, like the RDA proposal, the ordinance that's being... that you're considering now is modeled after the... very similar to the TND Ordinance. So it kind of follows that same format.

Mr. Howard: So, I guess I'm still... I mean, we did some good comparisons I think to the other counties and I think originally, Mr. Fields, this was brought to our attention because the thought was Stafford County is somewhat handicapped in terms of luring, you know, new development and different types of businesses and enterprises into our county. And then we've heard anecdotally that, yeah, that's kind of somewhat true but there's no real proof of that but, yeah, we've heard that sort of in the hallway... which could be true. But I'm not sure rushing to change this... I'm not sure I totally understand the whole concept of changing this yet.

Mr. Fields: I'm kind of in the same spot Mr. Chairman. I guess what I'm trying to get at is if we're going to make a change, how can we use it to incentivize a better type of development than is the typical suburban...

Mr. Howard: And the right type of development that we're looking for.

Mr. Fields: Yeah, rather than the typical suburban, low-rise, sprawling, parking kind of stuff.

Planning Commission Minutes
April 20, 2011

Mr. Howard: Right. So let me ask you a question, Mr. Zuraf. What if somebody was to double-dip. Let's say they're doing an assemblage of properties. You know, in my prior life we used to do that; we would assemble properties and build. So let's say someone does that and they don't assemble the parcels yet in the beginning. They take the large parcel, they build, they get the floor area ratio and build a building. And then they've got two other parcels they assemble that are adjoining the initial parcel. Can they double-dip into the original parcel? I couldn't find in the ordinance where it... where it's clear that you can or you cannot do that.

Mr. Zuraf: The only area where you might be able to do that is if it's within a larger shopping complex maybe.

Mr. Howard: So you could have cross easements and share parking and do all that?

Mr. Zuraf: Yeah, but not if it's like a standalone project on its own and the next piece over is one of its own.

Mr. Howard: You anticipate that occurring? I guess it could.

Mr. Zuraf: It has.

Mr. Howard: Okay.

Mrs. Baker: Mr. Chairman?

Mr. Howard: Yes, Mrs. Baker.

Mrs. Baker: I was just going to mention, I believe it was last year when we were looking at some options for better site design related to environmental protection, there was some research done by our environmental staff regarding incentives for allowing larger floor area ratios. And I don't recall off the top of my head where those other localities were, but we may be able to come back at the next meeting with some of that information, if you would like.

Mr. Howard: That would be great, Mrs. Baker, to understand that. I think that's a great point.

Mrs. Baker: Okay.

Mr. Zuraf: Yeah, because this would allow for more development to occur on a smaller unit of land than under the other... than under the current regulations.

Mr. Howard: Right. Yeah, I think that would be helpful. We have to make a decision by May 4th so we still have until the next meeting. Is there anything else anyone else would want to have staff come back and present to us on this? I think we're good Mr. Zuraf.

Mr. Zuraf: Okay, thank you.

Mr. Howard: So if you could get that information in terms of the incentives on some of the environmental aspects, that would be terrific, to see if we want to include that.

Planning Commission Minutes
April 20, 2011

Mr. Zuraf: Yes sir.

Mr. Howard: Thank you. Okay, item number 2 is the P-TND Ordinance amendment which we deferred till today from the 6th. And I know we did get a letter from somebody... I brought it with me... the Commonwealth of Virginia, yeah.

2. P-TND Ordinance Amendment; T-1 Transect Zone (**Time Limit: June 3, 2011**) (**Deferred at April 6, 2011 Meeting to April 20, 2011 Meeting**)
(*Authorize for Public Hearing by: May 4, 2011*)
(*Potential Public Hearing Date: June 1, 2011*)

Mrs. Baker: Mr. Chairman, Amber Forestier is here to answer any questions that you all may have. The issue that came up was regarding the compliance with the Phase 3 Chesapeake Bay Review which is upcoming this Fall and the Department of Conservation Recreation, the Division for Chesapeake Bay, they did send the letter stating that it would not have any impact on our review when it comes up in the Fall.

Mr. Howard: Okay, thank you. Is that what you were going to tell us Mrs. Forestier?

Mrs. Forestier: Well, we weren't sure who was going to do this.

Mrs. Baker: She's here to answer any specific questions if you all have, regarding the compliance.

Mr. Howard: Just to kind of recap, this was brought to us because of a, I think a different application involving Clift Farms. Are you familiar with that?

Mrs. Forestier: Yes sir.

Mr. Howard: Okay. Just for the sake of ourselves, can you refresh us on the issue that the... I don't want to say applicant, but the issue that the petitioner I think is the right term, I'm not sure, but that the petitioner brought to our attention at the last meeting. I know you were not here but I'm sure they shared with you at some point they're rationale for trying to advance this amendment.

Mrs. Forestier: I believe it's because there was kind of wide-ranging areas of 25% slopes or more on the site and there was some ambiguity as to how we were going to determine which slopes were adjacent to the RPAs and where it ended and items like that that hadn't been resolved yet.

Mr. Howard: Yeah, my recollection is, and I'm just going from the notes I wrote when they were here, is how do you defend the current slopes, or how do you define where the slopes are and, to your point, the adjacencies. I know that was one of the...

Mrs. Forestier: And where they end.

Mr. Howard: Yeah, one of the topics they brought up; how do you actually measure the slope. They also brought up the fact that in Stafford County there's a lot of topography issues throughout the County. I think they specifically mentioned the Centreport UDA; they had looked at two other UDAs not as much in detail as what they did obviously with their Clift Farms proposal, but believe that there's other potential issues that we'll face when we get to trying to develop those Urban

Planning Commission Minutes
April 20, 2011

Development Areas. And then the other point that they brought up is that the TND Ordinance is the only ordinance I guess in the County that singles this issue out.

Mrs. Forestier: Yes sir, I believe so.

Mr. Howard: Okay. And that that was one thing... I'm not sure, that was one thing that they brought to our attention. And their feeling was, it was a strong feeling, that this really would probably better serve the County in the UDA Ordinances. So, within each UDA, if we were to create some type of ordinance that... I think that was part of their solution saying there's probably some good in this but you might want to think about bringing this into the UDA aspects versus having this in the TND Ordinance. That's kind of my...

Mrs. Forestier: That's possible as well.

Mr. Howard: ... pile of notes. Is that your recollection?

Mrs. Forestier: Yes sir.

Mr. Howard: Okay. Are there any questions of staff on that? Mr. Smith, I think you were researching a question that Ms. Kirkman had. I know she's not here but she did ask the question and if we could have the answer I think that would be helpful.

Mr. Smith: Yes Mr. Chairman. I think it began with the use of the word petitioner to refer to Mr. Leming and his requesting this zoning text amendment on behalf of his client, Clift Farm Quarter, and the fact that the Stafford County Zoning Ordinance doesn't use the term petitioner. The Stafford County Zoning Ordinance provides for the initiation of a zoning text amendment by the Board or by the Planning Commission, it does not provide specifically or expressly for the initiation of a zoning text amendment by a private party, a landowner or their agent representative. The Virginia Code does provide for the initiation of a zoning text amendment, a zoning map amendment by a private party. So, my understanding is that, in Stafford County, to address this issue, the Board initiates, begins the zoning text amendment process and refers it to the Planning Commission at the request of a private party, the landowner or their representative, and then refers it to the Planning Commission for their consideration and recommendation.

Mr. Howard: Thank you. That was my recollection two weeks ago as well, in terms of the State Code.

Mr. Fields: Can I ask a couple questions about that?

Mr. Howard: Yes.

Mr. Fields: So, is the... can you... when was that... has that always been part of the State Code, that ability of the petitioner to petition for a change in the zoning amendment?

Mr. Smith: I don't know...

Mr. Fields: Or is that amendment in recent times, do you know?

Planning Commission Minutes
April 20, 2011

Mr. Smith: Mr. Fields, I don't know when that became part of the State Code. I did find in my research an Attorney General's opinion from the mid-1990's that referenced the former State Code provision in 15.1 that referred to the right, the ability of a private party, a landowner, to petition for a change to the Zoning Ordinance as it affects them.

Mr. Fields: But since we don't have a code, so you're saying that since we have not defined petitioner or that element of the State Code expressly in our County Code, then the mechanism that has been in use... so what we're doing is applying, is figuring out a way to apply the State Code to our local... within the constraints of our local code, is that what you're saying is how we accomplish that goal?

Mr. Smith: Yes, Mr. Fields, that's my understanding that in the past because the County Code, the Zoning Ordinance does not specifically or expressly provide for a private party petitioning for a zoning ordinance amendment, that the Board begins the process, initiates it at the request on behalf of the private party.

Mr. Fields: So, what is the protocols and the procedure that the Board uses to determine whether it will advance that petition on behalf of the individual or not? How does it decide whether it will or will not act on behalf of that petitioner?

Mr. Smith: Mr. Fields, unfortunately I don't think I can answer that question; I apologize. I just don't know how the Board goes about addressing these requests, these petitions.

Mr. Fields: But according to this interpretation in theory, right, any individual could request that of the Board, right? I mean, the way it's constructed and the way it's in theory applied, right?

Mr. Smith: Yes, Mr. Fields, that's my interpretation of the State Code and my reading, at least, of the Attorney General's opinion that I found is that the intention of that code provision is to provide a private party with an opportunity to petition its local governing body for a change in the Zoning Ordinance.

Mr. Fields: Mm-hmm.

Mr. Smith: And I think the basis, as explained in the opinion, is to address the balance between honoring private property rights, but also the local legislative prerogative to develop and implement its desired land use policies.

Mr. Fields: Has there been any mention since this has come about that perhaps as you've done this, has there been any discussion? Because what this raises to me is really perhaps we need to think about changing the code to include the petitioner as they're acting on behalf... of any landowner acting on their own behalf without having to go through the Board of Supervisors. What the concern really... I mean, there's several concerns about this but one concern on a more abstract level is that I can understand... it would seem fairly clear to me, thinking about this as you look at it, that it's designed so that the elected governing body and the appointed Planning Commission don't have a complete stranglehold on initiating land use ordinances that the landowners and citizens of the County may think are important or valuable. It seems like a way to make sure that the... you don't have complete control of that within the Board and the Planning Commission, so it seems to me important, in the spirit of that ordinance, that we would want, if we don't currently have, that we would want to make it possible so the individual currently has to do it by requesting that the Board of Supervisors act on their behalf that

Planning Commission Minutes
April 20, 2011

actually has a very, you know, potentially chilling effect on the ability of any individual landowner to actually proceed in that way.

Mr. Howard: Mr. Fields, the petitioner, which I think is the right term...

Mr. Fields: Petitioner, yeah.

Mr. Howard: ... did point that out to us that in their opinion there was a conflict between Stafford County's code and the State Code, and it certainly is something we can take up as a Planning Commission and make a recommendation to the Board of Supervisors.

Mr. Fields: I mean, in some ways, irrespective of how I feel about this, it seems to me a more important point... I mean, it seems like it was put into the code to ensure a level of fundamental liberty which I can't possibly argue against.

Mr. Howard: Conversely though, going through the Board of Supervisors down to us ties our hands that we're going to have a public hearing versus something being... you know, a citizen being able to come before the Planning Commission trying to advance an amendment to an ordinance or a new ordinance where we could hash it out and discuss it and then within our purview send it on as a recommendation or not.

Mr. Fields: Right.

Mr. Howard: So I think that the way the County code is written is forcing the State Code to sort of say you need to allow it and, by the way, your only mechanism today is to come through the Board of Supervisors which I think, because it's done that way and it's legal to do that, we have a deadline of a public hearing that we have to meet.

Mr. Fields: Understood. I don't think that's the way... I think the way, and I'm not saying that anyone did anything purposely wrong, but I don't think the way... the way this is evolving currently in Stafford I think is not really what they had in mind.

Mr. Howard: I agree. And I think the petitioner pointed that out to say this is the only request I had.

Mr. Fields: Yeah, understood.

Mr. Howard: Good discussion. Alright, any other comments?

Mr. Mitchell: Mr. Chairman, I would make a motion to move this item to public hearing, the P-TND Ordinance amendment.

Mr. Rhodes: Second.

Mr. Howard: Any discussion?

Mr. Fields: Well, just to clarify, despite my prior concerns which I think are, you know, I would hold to, I will oppose this amendment because I don't believe in this instance it was particularly appropriate

Planning Commission Minutes
April 20, 2011

for this to come forward on behalf of an in-process development project. I find a little bit of a conflict there that I'm not comfortable with so I won't support it.

Mr. Howard: Alright, any other comments? Hearing none I'll call for the vote. All those in favor of moving the P-TND Ordinance amendment, T-1 Transect Zones, that's item 2 on our agenda, to a public hearing date of June 1st signify by saying aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay?

Mr. Fields: Nay.

Mr. Howard: The motion carries 5 to 1. Thank you. Item number 3...

3. RDA-1 Zoning District (**Time Limit: May 31, 2011**) (**Deferred at April 6, 2011 Meeting to April 20, 2011 Meeting**)
(*Authorize for Public Hearing by: April 20, 2011*)
(*Potential Public Hearing Date: May 18, 2011*)

Mr. Fields: Ms. Kirkman has requested, if possible, that we can hold off till she arrives as this affects primarily Griffis-Widewater, or is involved with the Griffis-Widewater District.

Mr. Howard: I guess we can. Are you making a motion to change the agenda?

Mr. Fields: I can; however you want, if you want to do it formally or informally. Formally I'd like to make a motion to place this at least after the probably... Ms. Kirkman has indicated she will probably be at worst case be here by the 7:30 public hearings. So if we could do this after the... place this on the agenda after the public hearings, she would greatly appreciate it. So I move to do that.

Mr. Howard: Is there a second?

Mr. Rhodes: Second.

Mr. Howard: Okay, any discussion? Nope. All those in favor signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Planning Commission Minutes
April 20, 2011

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 6-0. So, anybody waiting on that item, item 3 is going to be moved to after the public hearings and also public presentations. There are two public hearings this evening so it's likely that we would not get to that item until about I would have to say 8:15 thereabouts. Don't hold me to that. That's optimistic but...

Mr. Rhodes: I have great faith in you.

Mr. Howard: Just, if you're waiting for that, you don't have to wait and you can come back about 8:15, 8:30. Item number 4, Mr. Zuraf, I think this was you, the Comprehensive Plan Implementation Plan which we deferred to this meeting.

4. **Comprehensive Plan: Implementation Plan (Deferred at April 6, 2011 Meeting to April 20, 2011 Meeting)**

Mr. Zuraf: Yeah, I believe at the last meeting, which I was not in attendance, you all didn't have time to get to this item due to the hour when it came up, so I believe it was pushed to this meeting to continue discussion at this time. We've given you, at that prior meeting, a draft of the Implementation Plan and staff did note that it's not quite in final form yet. I think what staff really would like to do now at this point is reach out to the individual departments that will actually need to be doing a lot of this work and talk to them about the timing and phasing and get any input from them to make sure that what we're bringing forward is really going to work and can happen. So that's where we are with it. I guess at this point I think also we'll look to see if the Commission has any other comments on what we've done so far and make any adjustments after that.

Mr. Howard: Great. I'll bring it back to the Planning Commission; are there any comments or changes or suggestions to Mr. Zuraf or staff on the Implementation Plan update? Ideally I think the goal is to give periodic updates to the Planning Commission as a whole based on this project timeline, as well as make any changes moving forward. But sort of like a checks and balance where we would be having this in front of us several times during the course of a year and making necessary changes as staff works through some of these timelines and also the goals and milestones.

Mr. Rhodes: Here, here.

Mr. Howard: So, that was the goal of this and Holly and I were on that committee with staff and we sort of moved it to the Planning Commission work sessions. At this point I think, Mr. Zuraf, you need to... at some point we need to make a motion and have this included in the Comprehensive Plan.

Mr. Zuraf: Right, right. I think the logical point would be after we can kind of make sure that we have buy-in from the other departments in the County as to the timing and phasing of all these.

Mr. Howard: When do you think you'll have some of that feedback?

Planning Commission Minutes
April 20, 2011

Mr. Zuraf: We hopefully can have some by the next meeting. I don't know if we would be complete but we can provide any update at the next meeting as to our progress towards getting that and what people are saying.

Mr. Howard: So, let me just give everyone a chance. I don't know if any of the Commissioners have any comments or words of wisdom for Mr. Zuraf on the timeline that he's presented; questions or comments. Hearing none, I would say, Mr. Zuraf, that's a thumbs-up full speed ahead and you can come back to the next meeting... we'll leave this on the agenda... come back to the next meeting with any input or updates from the other departments within the County and give us an update on that. That would be wonderful.

Mr. Zuraf: Alright, thank you.

Mr. Howard: Thank you. Okay, item 5 is the reclassification of Quantico Corporate Center which was moved by a vote to the May 4th meeting. Item 6 we're still awaiting information from the Board of Supervisors, and that brings us to New Business. Item number 7 on New Business is Temporary Family Health Care Structures and there's a time limit of July 4th, Mrs. Baker?

5. RC1000338; Reclassification - Quantico Corporate Center - A proposed reclassification from R-1, Suburban Residential and M-1 Light Industrial to B-2, Urban Commercial Zoning District to allow office, commercial, and retail uses on Assessor's Parcels 12-1, 12-3, 12-4, 12-5, 13C-A, and 13C-D, consisting of 15.06 acres, located on the north side of Telegraph Road, and east side of Interstate 95 within the Griffis-Widewater Election District. **(Time Limit: May 31, 2011) (History - Public hearing continued at March 2, 2011 Meeting to April 6, 2011 Meeting) (Deferred at April 6, 2011 Meeting to May 4, 2011 Meeting)**
6. Rappahannock River Overlay District and Potomac River Overlay District (Referred back by Board of Supervisors) **(Time Limit: October 6, 2010) (History - Deferred at June 16, 2010 Meeting to August 18, 2010) (Deferred at July 21, 2010 Meeting to September 1, 2010) (Deferred at September 1, 2010 Meeting to October 6, 2010 Meeting) (Deferred - Requesting additional time from Board of Supervisors)**

NEW BUSINESS

7. Temporary Family Health Care Structures **(Time Limit: July 4, 2011)**

Mrs. Baker: Yes, Mr. Chairman, Rachel Hudson is here to review this with you.

Mr. Howard: Thank you.

Ms. Hudson: Good evening Chair and members of the Commission. The General Assembly amended Virginia Code last year by adding a section, 15.2-2292.1, Zoning Provisions for Temporary Family Health Care Structures. These type of structures are commonly known throughout the area as granny pods. I don't know if you have particular questions that you would like to ask me, if you've read the report and the proposed Ordinance with definitions of accessory structures, caregiver, mentally or physically impaired person, temporary family health care structure, and then the different zoning districts that they would be allowed by-right. Section 28-39 would be... it is the special regulation

Planning Commission Minutes
April 20, 2011

code section in the Zoning Ordinance and the special provisions applicable to the family health care structures are listed.

Mr. Howard: A couple of questions. What...

Mr. Fields: Mr. Chairman? Oh, I'm sorry...

Mr. Howard: Go ahead Mr. Fields.

Mr. Fields: Well, maybe you're getting the same thing. I mean, can you just kind of give us the back story on this? Where did we get to this? I'm not familiar with granny pods and I'm looking at this and it says 300 square feet.

Ms. Hudson: Right. The picture on the front...

Mr. Fields: It's a very, rather odd structure.

Mr. Howard: Well, they don't all have to look like that, right?

Ms. Hudson: No, they do not. This happens to be...

Mr. Fields: No, this looks okay.

Ms. Hudson: ... something I found on the website called a Med Cottage and it basically is no larger than 300 square feet. The area for...

Mr. Howard: Are there facilities that have to be contained within the 300 square feet? So, a bathroom?

Ms. Hudson: Yes.

Mr. Howard: Alright; a kitchen?

Ms. Hudson: The kitchen in this particular one is part of the living area.

Mr. Howard: Okay. So, it's like a studio.

Ms. Hudson: Yes, right. The structure cannot be more than 300 gross square feet. It must comply with the provisions of the industrial building safety law and the uniform statewide building code.

Mr. Howard: That was going to be one of my questions, okay.

Ms. Hudson: It shall not be put on a permanent foundation.

Mr. Howard: Is there a length of time where the structure is allowed to remain?

Ms. Hudson: There is not a length of time per se. If the mentally or physically impaired person does not need to have the care given, once the person either does not need the care or...

Planning Commission Minutes
April 20, 2011

Mr. Howard: Is no longer there.

Ms. Hudson: ... they have to... right, is no longer there...

Mr. Howard: Is there a set amount of time once that conclusion...?

Ms. Hudson: Yes.

Mr. Howard: There is? What's the...?

Ms. Hudson: Yes, 30 days.

Mr. Howard: Thirty days? Okay.

Mr. Fields: How is that enforced though?

Ms. Hudson: By the zoning people in the Zoning Department.

Mr. Fields: So you have to keep checking up on these?

Ms. Hudson: Yes, we could inspect once a year to make sure they're compliance with the regulations.

Mr. Fields: What is... I mean, are there other localities where this has become a common practice?

Ms. Hudson: I do have some information from Prince William, Fauquier and the City of Arlington. I do not know that they actually have issued permits, but they have put together their ordinance.

Mr. Fields: Are there other states or other parts of the country? Is this something that's a wave of a trend that is starting?

Ms. Hudson: I don't know...

Mr. Fields: I've never heard of this. Maybe I've just been living in some clueless universe but I've never heard of this before.

Mr. Howard: Where did this picture... this picture on the handout, you took that off the internet? Do you remember where that...?

Ms. Hudson: The little med cottage?

Mr. Howard: Yes.

Ms. Hudson: Yes.

Mr. Howard: Do you remember where that was located?

Ms. Hudson: I think they come out of Roanoke. I think they're either Roanoke or Lynchburg.

Planning Commission Minutes
April 20, 2011

Mr. Howard: So it could very well be that this exists today in the State of Virginia?

Ms. Hudson: Yes.

Mr. Howard: Okay.

Mr. Fields: We don't know but it's possible that people are actually building and using these?

Ms. Hudson: It's possible, because it is in the State Code and the State Code recommends that the jurisdictions...

Mr. Fields: When was it put in the State Code?

Ms. Hudson: Last year.

Mr. Fields: Last year.

Mr. Howard: Alright, so... is there anything else, Ms. Hudson, that you think we should know about?

Ms. Hudson: Well, I wanted to say the caregiver shall be either related by blood, marriage or adoption, or be legally appointed as guardian for the mentally or physically impaired person for whom he is caring.

Mr. Howard: Is there a definition of the physical impairment? You know, the impaired? So are there special...

Ms. Hudson: The definition of mentally or physically impaired person means a person who is a resident of Virginia and who requires assistance with two or more activities of daily living as defined in Code Section 63.2-2200, as certified in a writing provided by a physician licensed by the Commonwealth. And if Stafford County adopted this ordinance, that would be part of the permit we would require, that we have a certification in writing from a physician licensed in the Commonwealth. The caregiver must either own the property or be a tenant and have approval from the owner of the property.

Mr. Howard: So, if the individual who is seeking help from a family member and wants them to be a caregiver, and they're not a resident of the State of Virginia...

Ms. Hudson: They have to be a resident of the state.

Mr. Howard: And how long does it take to obtain residency in the State of Virginia?

Ms. Hudson: I don't know. I can find out if you wish.

Mr. Howard: Yeah, that would be great for the next meeting; just out of curiosity.

Ms. Hudson: Like I said, the structure cannot be larger than 300 square feet, gross square feet. The structure has to meet the same setbacks and open space ratio as the zoning district requires. So, on some of your smaller lots that are zoned for single-family detached dwelling...

Planning Commission Minutes
April 20, 2011

Mr. Howard: This might be impossible.

Ms. Hudson: It might be very impossible.

Mr. Hirons: Mr. Chair?

Mr. Howard: Yes.

Mr. Hirons: Is there a limitation on the number of these per lot, because...?

Ms. Hudson: Yes, one. The temporary structure shall connect to any water, sewer and electric utility serving the primary residence on the property, and shall comply with all applicable requirements of the Virginia Department of Health. There's no signage allowed advertising or otherwise promoting the existence of one of these structures.

Mr. Fields: Could you go back to the utilities connection again? I'm sorry, what was that?

Ms. Hudson: Yes. The structure shall connect to any water, sewer and electric utility serving the primary residence.

Mr. Fields: Wow. That sounds pretty complicated for a temporary structure.

Ms. Hudson: They can hook you in. I've talked with the Utility Department.

Mr. Fields: Okay.

Ms. Hudson: And they have told me there's absolutely no problem with someone hooking into the existing hookup for water and sewer.

Mr. Fields: So is this limited then to properties on public water and sewer?

Ms. Hudson: No.

Mr. Fields: So then would the Health Department...

Ms. Hudson: We've also met with the...

Mr. Fields: So if they were on a septic field suddenly they would have to... the Department of Health would have to recertify that the septic field is capable of handling...

Ms. Hudson: Yes.

Mr. Fields: Because that's a whole... I mean, that can be a real tight dividing line; three or four bedrooms could be the difference between a permit or not a permit.

Ms. Hudson: Well, depending on what the primary structure.

Planning Commission Minutes
April 20, 2011

Mr. Fields: Yeah, and the suitability of the soils. I mean, if you've got great soils, I know... certainly I've understood that sometimes you can only get a very limited amount of perk, you know, absorption. So the Department of Health would have to review this.

Ms. Hudson: Yes. We've met with...

Mr. Fields: Since we're saying that probably with the setbacks and the size, it would be less likely in a suburban neighborhood; it's going to be more likely in an A-1 zoned property, either a three acre lot or a two acre lot or something like that, right?

Ms. Hudson: I would think so.

Mr. Fields: Some of which are on water and sewer.

Ms. Hudson: Right.

Mr. Smith: Mr. Fields, just for the Commissions' consideration, the Ordinance, the draft Ordinance, says shall; however, the State Code does make that permissive. It states that any temporary health care, family health care structure installed pursuant to this section may be required to connect to any water, sewer and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.

Mr. Fields: So the connecting is permissive, but the Department of Health requirements are not.

Mr. Smith: Correct.

Mr. Howard: Ms. Hudson, is there any requirement to have connectivity to the main home on the parcel? So how would the person who is under care get to and from the main house? They may not I guess; they may just stay in that pod.

Ms. Hudson: I would assume they're staying in the temporary structure and the caregiver would go to the temporary structure for the care.

Mr. Howard: Is there anything that prohibits that in the Ordinance?

Ms. Hudson: I didn't see anything.

Mr. Howard: Okay.

Ms. Hudson: Alan, did you see anything that would prohibit...?

Mr. Howard: If somebody were to make a ramp, as an example, for someone who's physically handicapped to connect the front of that pod to their home... I didn't see it in here either; I just wondered if anything prohibits that.

Mr. Smith: Mr. Chairman, no, I don't think anything in the Ordinance or in the State Code provisions addresses that issue. I don't think it would conflict with the Ordinance or the State Code provision.

Planning Commission Minutes
April 20, 2011

Mr. Howard: Right. I guess as long as it met the building code requirements.

Mr. Smith: Correct.

Mr. Howard: Okay. Any other questions of Ms. Hudson?

Mrs. Hazard: Just one comment Mr. Chairman. I do see in the Code of Virginia, under that Subsection C, that the locality may require the applicant to provide evidence of compliance with the Section blah, blah, blah on an annual basis as long as the structure remains on the property. And I see that we have... that it has to be removed within 30 days. I was wondering if, from an administration level, if, you know, the person is no longer receiving the care, whether they should just provide notice to the County so that they can from a tracking standpoint just keep track of it. It seems like maybe there's an ability to do that. I was just throwing that out; it's not pertinent. I was just thinking from an admin... you know, you've got 10 of them out there and saying oh, we're no longer using it, that there's a requirement in here to say, you know, maybe the person has passed away or something. We're going to be removing it. You have to call zoning and tell us. I don't know; just a thought.

Ms. Kirkman arrived at 7:19 p.m.

Ms. Hudson: I would think we could make that requirement in the permitting process.

Mrs. Hazard: Just a suggestion for your tracking of these things.

Ms. Hudson: Sure.

Mr. Howard: Okay; good comment. Any other questions for Ms. Hudson on this?

Mr. Fields: I guess as we consider this, could we... this is, of course, one of those... when we usually do this, is there any possibility of you can give us some case studies, so to speak, places, examples of these actually in use, constructed and is use, and any kind of background literature on...

Ms. Hudson: In the country?

Mr. Fields: Yeah, anywhere. What their origin is; I mean, as I'm sort of running this through my mind, I mean, is the idea here is that if you want to take care and you don't have room in your house, you want to take care of your elderly... you know, your mom, dad, whatever, aunt... And I can see given the staggering cost of like nursing homes and things like that, assisted living, even though this looks expensive, you know, you start doing the numbers this is probably a lot less expensive than an assisted living, which runs a lot of money. And so, I mean, I can see how this can be a very helpful thing for families that would rather stay together rather than put their mom or dad in a remote facility. I think all of us can see the benefit of that. I just sort of wanted to... you know, everything sort of has a point of origin and I just wondered where culturally or professionally or whatever, where this started and how it got started and who's doing it.

Ms. Hudson: I'll be glad to do some research.

Mr. Fields: Yeah, I just need some context myself to get my head around this.

Planning Commission Minutes
April 20, 2011

Ms. Hudson: Sure.

Mr. Howard: Mrs. Hazard?

Mrs. Hazard: Mr. Chair, I guess I would just say we may want to consider going forward whether we do want to make that permissive concerning the connection as in the Code.

Mr. Howard: Sure.

Mrs. Hazard: And I'm not saying I have an answer to it; just for us all to think about whether we want to make that permissive versus mandatory.

Mr. Howard: Right. Okay, if we could have you back at the next meeting, we'll keep this on the agenda and we'll move it to our work session.

Ms. Hudson: Sure.

Mr. Howard: Thank you.

Ms. Hudson: Thank you.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: I did have one request regarding this item.

Mr. Howard: Sure.

Ms. Kirkman: Either from our attorney or from staff is whether or not in the Ordinance itself we can require an annual certification process that the unit is still needed. We can?

Mr. Howard: Yeah, that came up earlier where the County can actually go and inspect once a year and should inspect it annually.

Ms. Kirkman: Okay.

Mr. Howard: Okay, item number 8 is the Onsite Soil Evaluator and that's under New Business.

8. Onsite Soil Evaluator (**Time Limit: July 4, 2011**)

Mrs. Baker: Yes, this is a Subdivision Ordinance amendment and LeAnn Ennis is here to discuss that.

Mr. Howard: Thank you.

Mrs. Ennis: Mr. Chairman, members of the Planning Commission, I'm presenting item number 8 which is an amendment to the subdivision ordinance regarding On-Site Soil Evaluator. The Board of Supervisors referred the Resolution to the Planning Commission on April 5th. Currently the

Planning Commission Minutes
April 20, 2011

subdivision ordinance requires a statement on all the final plats regarding the certification of On-Site Soil Evaluators performing the soils work. The subdivision ordinance also requires a soil evaluator to be certified by the Health Department currently. On July 1, 2009, the Virginia Code modified the term On-Site Soil Evaluator to Authorized On-Site Soil Evaluator. It was Virginia Code Section 32.1-163, 54.1-2301, and Section 54.1-2301. All these codes were modified to require individuals to be licensed by the Virginia Department of Professional and Organizational Regulations and use the terms either On-Site Soil Evaluator or Licensed OSE. The Health Department in the past had licensed the Authorized Soil Evaluator and now DPOR is required to do it. Ordinance O11-19 amends the subdivision ordinance to reflect the name of Licensed OSE or On-Site Soil Evaluator and whom the individual is can obtain the license from. It's just mainly to go with the State Code as well.

Mr. Howard: Right, to be compliant with the State Code. The person who currently owns I guess the OSE certification, or has been licensed by the Department of Health to be an On-Site Soil Evaluator, how would they, if they were to continue to practice in Stafford County, how would they apply this...?

Mrs. Ennis: This ordinance again went into effect in 2009; we're just now presenting it.

Mr. Howard: We're behind...?

Mrs. Ennis: Yeah, we're really behind. And the Health Department has requested more than once for us to get our ordinance so they can start requiring on the plats that they be OSEs, licenses OSEs, because our ordinance still requires it to be AOSE. And so the Health Department is having a hard time... they're having a hard time signing the plats because it says AOSE.

Mr. Howard: Because we're not in conformance with the State Code.

Mrs. Ennis: Yes. So, they are now... the Health Department is no longer issuing those licenses; it's all done by DPOR.

Mr. Howard: How often is that license renewed?

Mrs. Ennis: I don't know.

Mr. Howard: So, the question I have is if you're an On-Site Soil... if you're an AOSE today, how would you become the On-Site Soil Evaluator and get either registered or approved through the DPOR?

Mrs. Ennis: There's an application that they fill out through DPOR.

Mr. Howard: And do you know if we've had anyone in Stafford County who has been functioning as an AOSE and does not have the DPOR?

Mrs. Ennis: No.

Mr. Howard: How would you check that then?

Mrs. Ennis: That's the Health Department's regulations so they're the ones requiring...

Planning Commission Minutes
April 20, 2011

Mr. Howard: That's something they would sign off on?

Mrs. Ennis: Yes.

Mr. Howard: Okay.

Mrs. Ennis: But the Health Department doesn't have authorization to issue a license for that at all. It has to come through Richmond.

Mr. Howard: I understand that, but they're signing off on that the person who's signed the...

Mrs. Ennis: Yes, they're verifying that they're OSEs now, if that's what you're asking.

Mr. Howard: Yes.

Mrs. Ennis: They are OSEs and then they're signing off on the plats.

Mr. Howard: And we're just leaving AOSE on our paperwork.

Mrs. Ennis: And they don't like it.

Mr. Howard: Well, okay. Any other questions for Mrs. Ennis?

Ms. Kirkman: Mr. Chair?

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: If this ordinance has... if this has been a State statute since 2009 and our subdivision plans since that time have had AOSE on them, does that invalidate that component?

Mrs. Ennis: No, I don't think so.

Ms. Kirkman: But they're not in compliance with the State law.

Mr. Howard: Well the State would have signed off on them, I would think. But Mr. Smith...

Mrs. Ennis: The Health Department has signed off on all the ones that say AOSE for the last two years.

Ms. Kirkman: But apparently they've done that in violation of the State Code. I'm just trying to sort out what this means for the last two years' worth of subdivision plans.

Mr. Smith: Ms. Kirkman, I don't know what the Health Department has expected in the intervening period since the Code change in terms of whether they are still... if the individuals are still AOSEs and, in addition, they are meeting the current new standards as well, or whether they're simply... they're okay with signing off on. At least they have been when the person is properly licensed in their eyes even though the statement says AOSE. I don't think the fact that it says AOSE instead of the

Planning Commission Minutes
April 20, 2011

current term would invalidate subdivision plans that had been properly approved otherwise by the County.

Mrs. Ennis: They're still legally recorded plats for as far as I know. I mean, I don't think... the plats, I don't think it changes the AOSE or OSE statement. We haven't had anything come up about that and Mr. Thompson didn't mention that; he just wants to be able to enforce the OSE because of our ordinance.

Mr. Howard: Sounds on the surface to make sense. Any other questions for Mrs. Ennis? Alright; what's the will of the Commission on this one?

Mr. Rhodes: Mr. Chairman, I make a motion to move the cited proposed ordinance to public hearing, O11-19.

Mr. Mitchell: Second.

Mr. Howard: Any discussion? Hearing none I'll call for the vote. All those in favor of moving this to public hearing signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0. Thank you. We're now going to break for public presentations and then public hearings right after that. Anyone wishing to address the Planning Commission may do so by stepping forward this evening. We ask that you state your name, your address, and you have three minutes to address the Planning Commission when the green light goes on. When the yellow light starts to flash that means you have about a minute left and then when the red light flashes, we ask that you conclude your comments and allow the next speaker to address the Planning Commission. We will not address your comments directly to you but in general we always try and get you an answer if something is brought to our attention and we can provide that answer in a general sense once the public presentations are concluded. We also have two public hearings this evening. There's a reclassification for Cambridge Properties and there's also an amendment to the Stafford County Comprehensive Plan for the Master Redevelopment Plan. Those two items we would ask that you not discuss during the public presentations; you'll have ample time during those public hearings to come back and get an additional three minutes to talk to us about those independent issues. Anyone wishing to address the Planning Commission on the public presentations may do so now by stepping forward.

9. Wetlands Mitigation Bank (**Time Limit: July 4, 2011**)

*Planning Commission Minutes
April 20, 2011*

Discussed after Public Hearings.

7:30 P.M.

PUBLIC PRESENTATIONS

Mr. Waldowski: Paul Waldowski. The late Tim Russert who was the Co-Chair of Meet the Press used to always root on the Bills; I'm just rooting on the Buffalo Sabers tonight. You know, usually I'm not lost for material to come here, but I thought I'd bring up a topic that's kind of interesting that I went through in regards to the redistricting, the 10 year census aspects. And one of the neat aspects to share with you as Planning Commissioners is there's this thing called census blocks that are set up and what's really about them is they're based off of natural boundaries such as the Potomac or streams. But they're also based on roads. And the reason I bring up roads is because every time I see something happen, especially when I look out my back window and I see Mountain View and I just watch the cars just queue up on Fridays because usually on Friday I'm not commuting that day. And it's just interesting to see how, if the roads were set up in the beginning then we'd have a much better aspect of planning. You're gonna see with the new districting model what's really happened because of the lack of planning, especially the last 10 years. You're now getting this creep of Hartwood coming into really the Courthouse Area and the George Washington District plus the Falmouth District are also going west of I-95 to meet the requirements of the state which has a very good algorithm in place. And I have to admit the County followed it really well and right to the T mathematically. But everyone talks about one man, one vote and a lot of people don't understand what that standard really stands for, because even though you divide a district by seven and you get 18,000 folks, not all of them are voters. A lot of them could be in jail, they could be children, they could be military people stationed here who just are not Virginia residents. So, to leave you with the bottom line of planning, we all know the land use is just over 72% of the 129,646 acres and let's keep those roads moving so maybe we can get a better feel of the election districts for the next 10 years; because when 2020 comes, I won't be here. I'll be on that TV show.

Mr. Howard: Thank you, anyone else wishing to address the Planning Commission may do so now by stepping forward. Seeing no one else advancing to the podium I will now close the public presentations and open up the public hearing portion of the meeting. We'll start this evening with the public hearing for the reclassification of Cambridge Properties, LLC.

PUBLIC HEARINGS

10. RC1100061; Reclassification - Cambridge Properties, LLC - A proposed amendment to proffered conditions to modify the permitted commercial uses on Assessor's Parcel 45-213. The property is zoned B-2, Urban Commercial Zoning District, consists of 4.72 acres, and is located on the southeast corner of the Cambridge Street (US Route 1)/Manning Drive intersection within the Falmouth Election District. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses in the B-2, Urban Commercial Zoning District. **(Time Limit: July 19, 2011)**

Mrs. Baker: Mr. Zuraf will be doing the presentation.

Mr. Howard: Thank you Mrs. Baker.

Planning Commission Minutes
April 20, 2011

Mr. Zuraf: Can I have the computer please? Okay, good evening. This item is a reclassification for Cambridge Properties, LLC. It is a proffer amendment. It's a request to amend proffered conditions on property that is zoned B-2, Urban Commercial. The primary purpose is to expand the commercial use of the property. The applicant is Mohtasham Mobarakeh of Cambridge Properties, LLC. The property is Assessor's Parcel 45-213 which covers 4.72 acres. This is the location and zoning map for reference of where this property is located. It's in the Falmouth District; it's on the east side of Cambridge Street, US Route 1. The site itself is highlighted in red at the intersection of Cambridge Street and Manning Drive. The surrounding properties, you have to the west A-1 and B-2 zoned properties; this B-2 property is undeveloped. It's planned commercial. A-1, this is a mobile home park. A-1 up here in the upper corner is Drew Middle School. You have some B-2 properties on the east side of Cambridge Street, some automobile sales uses in this location, a vacant building in this area, and then as you go down Manning Drive you have R-1 zoned property and R-3 zoned property. You have residential single-family detached units in this location. You have single-family attached units off of this... in this neighborhood across from the site and then to the east and south of the property are other R-1 Suburban residentially zoned properties that have residences on them. To the south along Cambridge Street is a motel on property that's zoned B-1, and other R-1 zoned properties to the south as well. Looking at the history of this site, in 1994 the property was rezoned from B-1 to B-2 with proffers. The proffers at the time limited the use of the site to the Knights of Columbus and it did include some other proffers with design standards on the building materials, screening, parking lot, landscaping, signage, lighting, and right-of-way reservation requirements. In 1995 a proffer amendment occurred which basically expanded the use to be a Knights of Columbus with associated food catering; the use after that point was known as TJ's Celebrations for many years and has since been out of operation and the site is currently vacant. Currently you have the one-story reception hall. It fronts on US Route 1. Access to the site is off of US Route 1 and Manning... there is one entrance off of Route 1 and one entrance off of Manning Drive. Looking at the natural resources, there's a mix of... behind the site where the reception hall is located the remainder of the property is undeveloped. You have an open field and then wooded areas beyond that; the terrain slopes down to the south of Manning Drive along this site. There are no perennial streams, wetlands or floodplains. It's generally a high point where this property is located. Here is the aerial photograph of the site, this is the location of the vacant building, the access point off of Route 1 is here and you have the parking areas that surround the site, the other access off of Manning Drive and then you see the remainder of the site as it currently is, undeveloped. The General Development Plan that you've been provided on this case breaks the... looks at the site in different phases. Phase 1 of the General Development Plan looks at how the site would be used as it currently exists. It just assumes that the site, with more use flexibility would be able to... somebody would be able to occupy the current building and use the site as it is today. Phase 2 of the General Development Plan is broken in to two parts; Phase 2A is kind of a transitional phase. It assumes that the current building remains and is being used and that another use comes into the rear of the site off of Manning Drive. So they're showing a new use in this location, a potential retail office or commercial use with drive isles and parking around it. It would be utilizing shared access in the current location off of Manning Drive. And then it would be maintaining a 50 foot buffer from the adjacent residential uses.

Mr. Howard: Mr. Zuraf?

Mr. Zuraf: Yes.

Mr. Howard: On Manning Drive, is that a right in/right out and a left out as well?

Planning Commission Minutes
April 20, 2011

Mr. Zuraf: It is full...

Mr. Howard: Full access?

Mr. Zuraf: ... full access entrance, yes.

Mr. Howard: Thank you.

Mr. Zuraf: Then Phase 2B, the final phase, assumes that full redevelopment of the property. It looks at demolition of the current building and redevelopment of it as some other use. This is showing retail office or commercial use in this location. It would...

Mr. Howard: What size building is that?

Mr. Zuraf: A 10,000 square foot building. And a similar layout with parking around the front and sides and in the back; you would have a right in/right out access onto Route 1 where currently it's a full service access where somebody leaving the site could turn left out onto Route 1. Also, this would accommodate future right-of-way dedication along Route 1 in conformance with the Comprehensive Plan. Also, staff would note that this is just identifying potential phases. The redevelopment of the site could proceed directly to this Phase 2B and the entire site could be redeveloped at once. This is just showing how there is a potential of it happening in different ways, and so all those different methods are being reflected on the General Development Plan. Looking at the issue of transportation on this site, there is not a traffic impact assessment included with this request. In looking at the initial phase of this project, the highest intensity use was found not to warrant a traffic impact assessment. The highest use identified in this plan would be a high turnover restaurant and that being located in this building would reflect 116 vehicle trips per hour or 921 vehicle trips per day. A traffic impact assessment would be needed if there were over a thousand vehicle trips per day.

Ms. Kirkman: Excuse me Mr. Zuraf. Does this VPD of 921 take into account the additional development in Phase 2?

Mr. Zuraf: No it does not. And I'll get to that with the way the proffers address that. The TIA though may be required then as you get into Phase 2 development. The proffers are set up so that as additional development occurs on the site, if a traffic impact assessment is deemed necessary at that point, then that would occur at the time of the site plan. And proffers are also set up to recommend that any mitigations measures that are called out in the TIA are provided at that time with that site plan.

Ms. Kirkman: Excuse me Mr. Zuraf, I have an additional question. I thought for rezoning applications, in addition and outside of the VDOT Chapter 527 requirements, I thought we required a Transportation Impact Analysis?

Mr. Zuraf: That would be if there were over a thousand vehicle trips per day.

Ms. Kirkman: That's with the Chapter 527 requirement is?

Mr. Zuraf: That's under the County...

Planning Commission Minutes
April 20, 2011

Ms. Kirkman: But I thought separate from that that in our rezoning ordinance we had a requirement for an assessment of traffic impacts?

Mr. Zuraf: That's if it's over a thousand vehicle trips per day.

Ms. Kirkman: We state that in our ordinance?

Mr. Zuraf: It's in the ordinance, yes.

Ms. Kirkman: So the ordinance was changed?

Mr. Zuraf: It was changed from 500 up to a thousand, yeah.

Ms. Kirkman: Okay, thank you.

Mr. Zuraf: And also the proffers are established to require future right-of-way dedication along Cambridge Street in conformance with the Comprehensive Plan recommendations that may be in effect at the time of redevelopment. Currently, the Comprehensive Plan recommends widening of Route 1 from four to six lanes, which would equate to right now 160 feet of right-of-way as recommended for a six lane divided facility, which would equal 80 feet from centerline. So, that is reflected on the General Development Plan so that potential exists on the redevelopment of this site.

Mr. Howard: Mr. Zuraf?

Mr. Zuraf: Yes.

Mr. Howard: This GDP, both Phase 1 and Phase 2, are part of the proffers... they're being proffered?

Mr. Zuraf: Yes.

Mr. Howard: So I think it's the Phase 2, but it's where the retail building that has the drive-through?

Mr. Zuraf: Yes.

Mr. Howard: Really, the question is really for both. I see loading spaces for both buildings but I'm not really seeing a truck route. So I am not sure what type of use... obviously they may not even know themselves... but if you look at the building with the drive-through and let's say as an example, a tractor-trailer is required to fill the needs of that business, they have a loading parcel or loading area but they're not showing on the GDP, unless you have something that we don't have, or I'm not looking at the right... they're not showing a truck route on there. So how would an 18-wheeler, you know, a 40 foot trailer get on and off of that property?

Mr. Zuraf: That's usually something that's not a requirement that we would have on the GDP. Usually at the time of site plan I think and the engineer is here for the applicant who can...

Mr. Howard: I'd love to hear that explanation.

Planning Commission Minutes
April 20, 2011

Mr. Zuraf: ... who can explain that. I'm guessing at the time of site plan they're going to make sure that that can happen.

Mr. Howard: But if this GDP is proffered, I'm just curious, I'm curious now before they get into it to understand that.

Mr. Zuraf: Well, and it's not... the GDP itself is not proffered; it's... there are...

Mr. Howard: That was my question.

Mr. Zuraf: ... proffers that reflect the potential redevelopment, but it doesn't... the proffers are not saying that the development will exactly happen this way.

Mr. Howard: Okay, then I didn't understand that answer.

Mr. Zuraf: Okay.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: I would like to go back to the issue of the Traffic Impact Analysis, because Phase 2 is part of this application. So I don't understand why the traffic from Phase 2 was not included when the count for determining whether a TIA was needed. Why weren't those vehicle trips included?

Mr. Zuraf: Because of the way the proffers were set up in the phasing to limit the initial phasing of the use of the site to the existing building. And then as you got to Phase 2, since the use is not known, then that would be done at that time.

Ms. Kirkman: And do the VDOT regulations or administrative rules allow for that? I mean this sets a terrible precedent. Nobody will ever do another TIA again, because they'll just say we'll do it later. Do the VDOT regs allow for this?

Mr. Howard: Well Mr. Zuraf, are you saying... maybe I misunderstood this... but you're saying the highest vehicles per day, in terms of intensity, if it were a high turnover restaurant, would be 921 vehicles?

Mr. Zuraf: Yes.

Mr. Howard: Which is under a thousand.

Mr. Zuraf: Yeah, well that's...

Mr. Howard: Is that the Phase 2 portion?

Mr. Zuraf: That's the Phase 1 portion.

Planning Commission Minutes
April 20, 2011

Mr. Howard: That's the Phase 1. So do you have an estimate on the Phase 2, which I think is really Ms. Kirkman's question?

Mr. Zuraf: No, no.

Mr. Howard: Okay.

Mr. Zuraf: That would... you know, full development of this site in the manner that's identified in Phase 2B would likely require a traffic study.

Mr. Howard: And when would that Traffic Impact Analysis...?

Mr. Zuraf: At time of site plan.

Mr. Howard: So, Ms. Kirkman's question... and I don't want to put words in her mouth... but I think what she's asking is why wouldn't that Traffic Impact Analysis be here this evening because you're asking us to change the proffers on both Phase 1 and Phase 2? Or change the proffers and you're showing us a Phase 1 and Phase 2 GDP.

Mr. Zuraf: Right, because it would apply to everything and the idea also is that the proffers were written up to state that whatever the impacts that are shown in the traffic impact assessment, when that is prepared at a future date, that they would provide those mitigation measures as part of (inaudible).

Ms. Kirkman: Mr. Chair, specifically my question was where in the VDOT Chapter 527 regs does it allow for this to be parsed out in this way?

Mr. Zuraf: I would have to look through the regulations to...

Ms. Kirkman: Did you verify with VDOT that this is okay?

Mr. Zuraf: We did not talk to VDOT about that, no.

Ms. Kirkman: I mean, Mr. Chair, think of the implications of this; you know...

Mr. Howard: No, I think your point's well taken and we'll...

Ms. Kirkman: All you do is chop a project up into every stage that just comes under the required number for the TIA and you could conceivably build out an entire project without ever doing a TIA or having the...

Mr. Howard: And that's why we have until July 19th to make a determination on this application. Mr. Zuraf go ahead, continue.

Mr. Zuraf: Okay, the proffers that were provided under Phase A, which goes along with the Phase 1 building, would apply under the use of that building, includes no increase in floor area would be allowed, would prohibit several uses otherwise permitted by-right, and then also prohibits all conditional use permit uses. It would permit limited expansion of existing parking if needed to accommodate a use if it needs more parking, but then also upon request by the County or VDOT, 10

Planning Commission Minutes
April 20, 2011

feet of right-of-way would be dedicated along Manning Drive, which is an area along the remainder of the site where right-of-way was never initially dedicated. And the proffers that are associated with Phase B, that involves subdivision of the parcel, any expansion, demolition or reconstruction of the existing building or construction of additional buildings. It does reflect that if the Phase B1 scenario occurred where the existing building remained and a new building was to be developed in the remainder of the site, that the proffers would reflect the continued use of the existing... the use of the existing building would operate under the Phase A proffers and the Phase B proffers would apply to the new development. So the Phase B proffers include that more uses would be permitted than in the Phase A and also including several conditional use permit uses would now be allowed, right-of-way dedication would occur along Route 1, access restrictions would occur including the right in/right out along Route 1 and limiting the access to that one point on Manning Drive would require sidewalk construction as the site develops, and also would maintain a 50 foot buffer adjacent to any residential uses. Should any of the adjacent uses change from residential then that 50 foot buffer could go away; but as long as the adjacent uses are residential the 50 foot buffers would remain. Also, restrict the building heights to 45 feet with the exception of office or hotel uses. The office or hotel use could still go up to the max of 65 feet that is allowed in the B2 zoning. Establish the exterior building materials; photographs of some sample building materials taken by the applicant have been provided and attached to the proffers. It requires construction of transportation improvements that would be recommended in any future traffic impact assessment and lighting would be consistent with dark skies technology. Looking at the Land Use Plan recommendations, this is an area that's identified as commercial node within the suburban land use designation. There are several recommendations in the Land Use Plan that would support this proposal. The Land Use Plan recommends neighborhoods serving commercial uses in commercial nodes, which would be provided here. It recommends and encourages the reuse of vacant sites which is proposed with this amendment. And then also minimum impacts are recommended on nearby residential uses which the proffers attempt to do. Looking at the evaluation positives, it's consistent with established and developing land use pattern in the area. Proffers would minimize impacts and establish phasing of improvements with the development of the site. The reuse of the vacant building may carry over to adjacent properties and it's consistent with the Comprehensive Plan. Negative findings include there are no apparent negative aspects at this point and staff recommends approval of the ordinance with the proffers as submitted. And we'll take any questions at this time.

Mr. Howard: So, just for clarification, the GDP that's depicted in the attachments... we have several, they all seem to be similar if not identical... these are not part of the proffer tonight?

Mr. Zuraf: It's... they're somewhat tied to the proffers in aspects of them including the 50 foot buffers...

Mr. Howard: Building size?

Mr. Zuraf: Not the building sizes, no. The building sizes are not...

Mr. Howards: Number of parks?

Mr. Zuraf: Number of parking spaces, no, no. It doesn't get into that specifics and the applicant will probably, when they come up we can confirm, they don't have specific users so they wanted to keep some flexibility. And that's why they're showing some potential uses but don't want to get tied down to one specific user at this point.

Planning Commission Minutes
April 20, 2011

Mr. Howard: Right, but there's obviously a thought because that's a very specific sized building with a drive-through. There's only a few people out there that build that type of building. Okay, I just wanted some clarity on that. Thank you.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: Getting back to this Traffic Impact Analysis, I pulled my copy of the code that was provided to the Planning Commission on January 3, 2011 regarding reclassification submissions. It still states that a Traffic Impact Analysis is required where maximized development under the regulations of that district would generate 500 or more average daily trips for the development. It also goes on to say that it shall be submitted when any land use... the TIA, the Chapter 527 TIA... shall be submitted when any land use reclassification where the maximum development permitted under the district regulations would generate 1,000. Clearly Phase 2 is going to bump that up over a thousand and it does not allow for an exemption.

Mr. Howard: So, the question or the request I think, Mr. Zuraf, is, can we have you look into that?

Mr. Zuraf: We'll have to look into that.

Mr. Howard: Re-evaluate that portion of the ordinance and get back to us.

Mr. Zuraf: Yes.

Mr. Howard: Okay. Any other questions of staff? We can hear from the applicant now. Thank you.

Ms. Kirkman: Mr. Chair, before staff steps down I did have one other question for staff and Mr. Harvey... oh, he's not here.

Mr. Howard: Mrs. Baker is here this evening.

Ms. Kirkman: Okay. I thought there was some other land use action regarding this property within the last several years. I thought there was discussion of lifting the proffers at some point because a church was going to move in.

Mr. Zuraf: I'm not aware of that. Several different people have come to us and had expressed interest, but I don't necessarily remember a church. But I think people have ended up walking away for one reason or another understanding that they had to go through the process.

Ms. Kirkman: So there's not been any BZA or zoning action on this other than the actions that you listed tonight?

Mr. Zuraf: Not that I'm aware of.

Ms. Kirkman: And what does staff do to check on that when they prepare reports?

Mr. Zuraf: We look through the files and talk to the Zoning Administrator about this...

Planning Commission Minutes
April 20, 2011

Ms. Kirkman: Okay.

Mr. Zuraf: ... about this project. The cases go to our zoning staff for review as well.

Ms. Kirkman: So you look in the... is it still the Hansen system?

Mr. Zuraf: Yes.

Ms. Kirkman: And so you look there?

Mr. Zuraf: Well, for these cases you actually have to go back to the files because this building dates back to before our Hansen system and so you have to do a little more digging.

Ms. Kirkman: Okay, thank you.

Mr. Howard: Thank you. We'll now hear from the applicant. Thank you. We just ask you to identify who you are.

Mr. Furnival: Yes sir Mr. Chairman, I'm Rick Furnival with Sullivan, Donahoe and Ingalls, and we are the engineering and surveying firm representing Mr. Mobarakeh on the case. I'd be happy to answer any questions and obviously the issue of traffic has come up. Also the Generalized Development Plan and if you will I'll give a little bit brief background on that. The traffic counts that we have shown on here for the Phase 1, or the Phase A and the Phase B, are based on our estimates of the property. We took the building as it was, took the highest use possible and that's how we came up with the first traffic count for Phase A. And then for Phase B, if you look on sheet 4 of the Generalized Development Plan, we do have traffic estimates for, I believe I refer to them as concept uses, for the site. And I have 956 vehicle trips per day estimated for the Phase B2.

Mr. Howard: For the second phase?

Mr. Furnival: For the second phase, yes...

Mr. Howard: What's the 921 then that I read earlier that was in the attachment?

Mr. Furnival: That's for the existing building under the highest intensity possible.

Mr. Howard: So you're anticipating an increase less than 40?

Mr. Furnival: Yes, because we don't anticipate that high intense use.

Mr. Howard: At total build-out?

Mr. Furnival: At total build-out. We don't anticipate the... best use of the property would be a high turn-over restaurant. That was just looking at the traffic counts... you know what, with the existing building staff asked us to look at what was the worst case scenario for the existing building. And that's what we did.

Planning Commission Minutes
April 20, 2011

Ms. Kirkman: But just to clarify though, that is the requirement when determining whether or not a Traffic Impact Analysis is needed. So the highest possible use on Phase 1 is 921 and then you came up with an additional 900-some for Phase 2?

Mr. Furnival: Not an additional count.

Mr. Howard: He's saying there's a delta of under 40 cars...

Mr. Furnival: Yes ma'am.

Mr. Howard: ... is what I'm hearing him say.

Ms. Kirkman: How can you add a whole commercial center and only get 40 more vehicles?

Mr. Furnival: Because we changed the use of the other building as well.

Mr. Howard: What I heard you say, and correct me if I am wrong, is you estimated what the current use would be if the existing, or if a restaurant existed there today?

Mr. Furnival: Yes.

Mr. Howard: And that was the 921 I referenced earlier, which is part of the package.

Mr. Furnival: Yes sir.

Mr. Howard: So it says, if you go to page 15 of the handout, that's what I was referencing. You're indicating a number of what now?

Mr. Furnival: For phase... the ultimate development of the site I believe is referred to Phase B2.

Mr. Howard: And what's on the GDP? You mentioned...?

Mr. Furnival: Yes, 956 vehicles per day.

Mr. Howard: Okay, so that's 35 vehicles... that's a 35 vehicle difference.

Mr. Furnival: Yes.

Mr. Howard: Between the two.

Mr. Furnival: Yes sir.

Ms. Kirkman: And what different categories did you use from the engineers manual and what's the mix of retail, office and commercial that you used to derive that 956?

Mr. Furnival: Madam, I have the use codes listed on there, but I cannot recall from memory what they were. They are listed and they're taken from the ITE latest edition.

Planning Commission Minutes
April 20, 2011

Mr. Howard: Mrs. Baker, do you know if there's a higher intensity for a free-standing drug store or a restaurant or a fast food restaurant with a drive-through? And I know I'm putting you on the spot but I'm curious.

Mrs. Baker: You're asking the potential?

Mr. Howard: Yes.

Mrs. Baker: Based on parking or traffic generation?

Mr. Howard: Traffic generation, highest intensity for... you know, what has higher intensity, the high turnover restaurant with a drive-through or a freestanding drug store with a drive-through?

Mrs. Baker: I'd have to check, I don't know.

Mr. Howard: Okay. And I'm asking because the rendering clearly indicates there's a different type of retail that could potentially go there.

Mr. Furnival: Yes sir.

Mr. Howard: Which could impact the Traffic Impact Analysis.

Mr. Furnival: Now if I may, Mr. Chairman, another issue that I'd like to bring up is what process we have taken to get to where we are because I think there was some questions about the somewhat speculative nature of our GDP and I'd like to explain that.

Mr. Howard: That would be great.

Mr. Furnival: My client began looking at this property back in October 2010 and it was in foreclosure and StellarOne Bank was the noteholder. And he came to us with a package and said, you know I'm looking at this property, would you please review it with me and give me your opinion about it. And we did; similar to what Mr. Zuraf said, we researched the file and we got all the background case data and looked at it and we found the ordinance and... excuse me while I put my glasses back on, I'm sorry... that the latest reference O94-15R and it has in it a proffer condition that says "the uses permitted on this property shall be limited to the Knight of Columbus Club, Incorporated and associated food catering services". And we took a look at that and we felt like that was very restrictive and now that the property was in foreclosure it wouldn't allow our client to use the property at all. So we met with the county staff and we discussed this with them and we asked how would we, you know, if he were to buy this property, which he subsequently did... based on the discussions with staff they suggested that we go through this proffer amendment process to basically amend the proffers to a suitable use, not really reclassifying it. It is B-2 now; we're just simply trying to adjust the proffers so that my client can utilize the property because he cannot use it all, he cannot (inaudible).

Mr. Howard: No, we understand and I think some of the questions coming at you that are legitimate questions because there is a process and it's outlined in black and white...

Mr. Furnival: Sure.

Planning Commission Minutes
April 20, 2011

Mr. Howard: ... that there are some requirements that you have to go through as an applicant to meet those requirements and then advance your application.

Mr. Furnival: Sure, and we've worked very closely with staff going through this process to address all of the issues that they brought up. Our initial ask was can we just simply ask for a proffer amendment to remove number 1. And staff, in our meetings with the various members, said that they were not interested in pursuing that, that they directed us down this path which is the one we've taken. So they said we'd like to see what possibilities there are with the property. What might you do with it, you know, and we said at the time we really don't know what we're going to do with it because we're not in a position to market it just yet. But we said we can look at certain uses that we might like to have and then we'll show what I would call a schematic plan showing how those uses would fit on the property with the proviso that when we came in for site plan then we would know the details and we would then provide the supporting background information necessary for proper approval.

Mr. Howard: Have you had any preliminary discussions with VDOT yourself?

Mr. Furnival: Say again?

Mr. Howard: Have you had any preliminary discussions with VDOT on your own?

Mr. Furnival: Yes, we have talked with them about the site.

Mr. Howard: And have they given you any feedback?

Mr. Furnival: Just about the limited entrances meeting up with the new access standards and that's (inaudible).

Mr. Howard: So on Cambridge Road you have a right in/right out....

Mr. Furnival: Yes.

Mr. Howard: ... that currently exists.

Mr. Furnival: No, it's a full access now.

Mr. Howard: It can't be; there's a median, there's a painted median.

Mr. Furnival: Well, but the median doesn't stop you from... it's painted so people can use it. They'll cross over the painted line.

Mr. Howard: Right, but it's not... is VDOT sanctioning that movement?

Mr. Furnival: Ummm... well they haven't taken any steps to stop it.

Mr. Howard: Well, they have taken steps to stop it. They painted four yellow lines on Cambridge Road, so that's what VDOT does.

Mr. Furnival: But that doesn't...

Planning Commission Minutes
April 20, 2011

Mr. Howard: Then it's up to law enforcement to enforce the law when you cross over.

Mr. Furnival: But you can cross over a yellow line.

Mr. Howard: I don't know that you can there, I have no idea.

Mr. Furnival: Sure, if there's a driveway entrance on a four lane road with a double line, you can cross it to go.

Mr. Howard: So they've sanctioned that movement?

Mr. Furnival: I can't say that they've sanctioned it or not.

Mr. Howard: And they've sanctioned the length or the distance between that opening and the intersection?

Mr. Furnival: That is a permitted entrance, yes.

Mr. Howard: Okay, but under the new 527 regulations there's a distance requirement.

Mr. Furnival: But this is... under Phase A that's an existing use.

Mr. Howard: I understand, but still... because you're changing the use of the property, my understanding and I don't know chapter and verse but there is some limitation where there is some restrictions on the length the entrance can be from the intersection.

Mr. Furnival: That is correct.

Mr. Howard: So I'm not sure that you're in compliance with that. I don't know yes or no, I'm just asking, did you have any preliminary discussions with VDOT on that?

Mr. Furnival: Well we have talked informally with VDOT and they've seen the plan. We didn't get any... we said that as we developed the site then we would bring these entrances into compliance and we haven't got any formal comment but we didn't get any objection from that either.

Mr. Howard: Right, so you're saying you have full access on both entrances to those two parcels?

Mr. Furnival: Today that is correct, yes.

Mr. Howard: Okay. Alright, any other questions of the applicant?

Ms. Kirkman: Yes Mr. Chair.

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: I want to go back to the process that you were describing as your client considered the purchase of this property when it was in foreclosure. So, you all met with staff and others even prior to him deciding to purchase this property?

Planning Commission Minutes
April 20, 2011

Mr. Furnival: That is correct, yes.

Ms. Kirkman: And based on those conversations, you felt certain enough or your client felt certain enough to move forward with the purchase?

Mr. Furnival: Well, I can't answer that for my client. He certainly had a sense in his mind, I believe, that if he went through and followed staff's recommendations that he would be successful, yes. And he was pressured to... the bank was anxious to close the deal and they were pressuring him to go ahead and close on the property. So, based on all that information I assumed he determined that he would proceed.

Ms. Kirkman: And were you present at those meetings or was it just him?

Mr. Furnival: I was present at some of the meetings, some of the meetings he's had on his own.

Ms. Kirkman: Because I am trying to sort out where it came... I mean, ultimately my position is it's up to staff to appropriately administer the zoning ordinance including the requirements for applications. And I'm trying to understand where the point of confusion occurred about what was required around the Traffic Impact Analysis.

Mr. Howard: Right, and we need clarification if there is a point of confusion.

Mr. Furnival: We believe our plan is in compliance with that requirement.

Mr. Howard: Right, so I'm sure you do; that's why you have it before us tonight. But you understand there could be some noise around this and in particular the Traffic Impact Analysis. And that's what we're going to ask staff and the County Attorney to look through at some point. Just to make sure that we're not looking at something that we (a) shouldn't be looking at or (b) maybe go back to the drawing board and say you know what we need to do a TIA here because of this potential impact. That could happen.

Mr. Furnival: We have made provisions in the proffers to provide for a TIA before any change of the property. He's simply... his immediate goal is to be able to have a marketable property.

Mr. Howard: He wants to market the property, sure. So there's nothing to stop him from doing a TIA today.

Mr. Furnival: I'm sorry?

Mr. Howard: There's nothing to stop the applicant from going back tomorrow and initiating a Traffic Impact Analysis, right?

Mr. Furnival: For what purpose?

Mr. Howard: To advance his application.

Mr. Furnival: Well, we would like to advance it sooner than that.

Planning Commission Minutes
April 20, 2011

Mr. Howard: I'm sure you would. That's always on the table for you though, right?

Mr. Furnival: We don't feel that a TIA is necessary at this time.

Mr. Howard: Okay. I don't know that it is or isn't but we'll find out.

Ms. Kirkman: And when I see that VDOT in their state rules have allowed an exemption through a phasing process, then I'll know that one is not needed.

Mr. Howard: Right. I mean we're looking at something in black and white and again we need some interpretation and we'll get that. But you are indicating that that's not something you're willing to...

Mr. Furnival: I don't know how we could do it at this time because he doesn't know what his... I mean, we can spend money and waste time and generate reports, but until we know what the use of that secondary development is, it doesn't mean anything. All he wants to do right now is use the existing building and we've taken the most intensive use, which he does not intend to do...

Mr. Howard: Right.

Mr. Furnival: ... and put that on the site to make certain that a TIA is not required.

Mr. Howard: Well, we understand that, but that's the issue that we have to find out. So we have to find out whether it is or it isn't.

Mr. Furnival: Okay.

Ms. Kirkman: But to clarify that, the problem here is not that he's asking for a reclassification, because technically this is a reclassification under our ordinance; based on the use of the first building is the fact that he has included Phase 2.

Mr. Furnival: He was asked to do that. He didn't want to do that to begin with.

Ms. Kirkman: Well, that might be one way to solve this problem for the applicant.

Mr. Howard: Yeah, that's another option that you could reconsider, if it comes down to that. We're just having open dialogue with you...

Mr. Furnival: Sure, I understand.

Mr. Howard: ... you know, during the public hearing portion.

Mr. Furnival: I understand.

Mr. Howard: If there are other people here for or against it, they are at least hearing that there is some dialogue taking place.

Ms. Kirkman: And typically we often hear those... in every application we hear from, when there's commercial development, we hear from applicants that of course they're not going to know exactly

Planning Commission Minutes
April 20, 2011

what's going to be there. However, there are still very specific guidelines about how to conduct a Traffic Impact Analysis under those circumstances in combination with proffering caps on square footage and types of units...

Mr. Furnival: Yes ma'am.

Ms. Kirkman: ... types of uses and those sorts of things. So there is a way to get the TIA done even when you don't know exactly what's going to be there.

Mr. Furnival: Well that's what we've done ma'am by our estimates of the projected trips per day in the Phase 2. We have taken our best guess at what it would be; we've sized the buildings based on the constraints of the site. We've said okay, with the parking requirements and the size of the building and the area that we have, this is what we think we can fit here and these are the potential uses and we've come up with some trip counts based on those projections. And that's all we can do at this time. I mean I don't see... we can go into more detail but it's all going to be subjective and speculative. I think we've presented a good estimate of what potential is there and when the details of the site plan come in we've proffered that we'll do a Traffic Impact Analysis on the known use to prove that.

Ms. Kirkman: The problem is, at the site plan phase it's too late to get any traffic proffers.

Mr. Furnival: But we've already proffered traffic improvements. We've said that any improvements that are necessitated or recommended by the Traffic Impact Analysis that we'll do, that we promise to do, we will provide...

Mr. Howard: That you promise to do before the Phase 2, right?

Mr. Furnival: Yes. Yes sir. So I really feel that we've covered the bases and you know we're just anxious to...

Mr. Howard: To move forward.

Mr. Furnival: To move forward, yes.

Mr. Fields: Mr. Chairman, just for clarification, if it helps the applicant. I think we know this but if you can understand the Planning Commission and subsequently the Board's perspective, you can proffer to do whatever is required, but then the public review that's entailed by the Planning Commission and the Board and their ability to have input in the public... in the public sphere along with public input is no longer exist once it goes to site plan phase. And I think that drives a lot of our concern collectively here is that this is, as they say, the only bite of the apple that we get is under this process. So for us to sign off on something, if there's any questions about, if there's undefined future realities... I mean, you can't predict everything in the future, but if you're trying to sign off on something that's what's giving us pause. I hope you understand that's where this is coming from.

Mr. Furnival: Well with all due respect, I do understand, but I feel that we've tried to mitigate that concern by making the statement up front that we will proffer those improvements.

Mr. Howard: Right, and from your client's perspective you have and we're speaking from the citizen's perspective of Stafford County to make sure that the citizens get everything that they can to Mr. Fields'

Planning Commission Minutes
April 20, 2011

point the “bite of the apple”. So you understand, we’ll meet somewhere in the middle but right now that’s the discussion that we’re having.

Mr. Furnival: Yes sir.

Mr. Howard: Quick question on the parking spaces. On the building with the drive-through, is there a reason why you wouldn’t put the handicap parking spaces closest to the door?

Mr. Furnival: We didn’t... let me see where we’ve got them. The layout of that and I believe you asked also about the truck access...

Mr. Howard: Right.

Mr. Furnival: ... and obviously we need to look at the details of the plan as we go forward. We were just trying to take one of the items that my client said that he might want to put there would be a drive-through pharmacy. So we took a generic plan and put it on here without spending a lot of analysis.

Mr. Howard: Understood, but the truck route, I think, is going to be critical for you to think about in the future, but also the handicap parking spaces.

Mr. Furnival: They are right in front of the door.

Mr. Howard: Well, that is a hip roof and I’m assuming that the door is on a corner where that hip roof is, not in the center of that building.

Mr. Furnival: Yes sir, but the parking is right there. You would walk up the ramp and the door would be right there.

Mr. Howard: Unless I am looking at the wrong rendering.

Mr. Furnival: Let me turn it around and show you what I’m referring to. The door is right here and the handicap spaces are right there.

Mr. Howard: I’m showing the handicap spaces...

Mr. Furnival: Oh, I’m sorry, I see what you’re saying. The signs for them are here but the ramp... I understand.

Mr. Howard: ... are at least one, two, three, four, five, six... seven spaces away from the door.

Mr. Furnival: I see that. I think they would be up there where the signs are. Yes sir.

Mr. Howard: So I would appreciate it if they could get closer to the front door.

Mr. Furnival: Yes sir.

Mr. Howard: Mrs. Hazard?

Planning Commission Minutes
April 20, 2011

Mrs. Hazard: Not to get off of parking and transportation but I have some questions about... and I know because it's speculative, it's hard... but some of the language here, I guess it would be for us it was page 4 of 10 of attachment 8. It was where your exhibit "A" proffers are listed.

Mr. Furnival: Yes ma'am?

Mrs. Hazard: When it gets to that Phase B1, and it may just be re-reading and re-reading it, but in the second part of that first paragraph about talking about the expansion of the use of the property, the prohibitions in Phase A will no longer apply, but you are allowed to continue to use the building under the conditions, and I think this goes to if you subdivide the parcel or not.

Mr. Furnival: Yes ma'am.

Mrs. Hazard: And I understand what you're trying to say, but I'm concerned a little bit right now about how they read, that there could be an unintended... I think if we go that route we need to clarify them a little more because it seems like potentially you could keep an existing building if you subdivide, but the proffer on it would go away. So right then you could keep that building but five years later those proffers expire on... I'm not saying it well, I'm just saying it doesn't... there may be an unintended there as we move forward. I just wanted to highlight it tonight because I'm not sure where we're going. And I don't have the way to fix it, but I think it's fixable; just how it reads right now, it seems like we may take off the first phase prohibitions on mass if we subdivide and not in the redevelopment of the whole site. I think there's just a way to make that crisper. So I'm just highlighting it; I don't have the answer right now, but I'd like to just review that in general.

Mr. Furnival: My understanding was that the proffers were vetted by the County Attorney's office and I drafted these up and I'm an engineer, not an attorney. But they were reviewed and we have made changes to try to clarify and you're exactly right. The intent is that when something new happens on that parcel that the old is abolished. That's what our intent is and we just need to make sure that's clear.

Mrs. Hazard: Well but it still may mean there are still some uses there that we may still want to continue to have as prohibited going forward in the future.

Mr. Furnival: Well, we do have prohi... under Phase B, there are a whole number of prohibited uses. Our intent being that if once Phase A goes away then the conditions of Phase B apply to the whole.

Mrs. Hazard: And I think that's where the concern is, is when we talk about the parcel, if we start subdividing you may have multiple parcels. I just want to make sure going forward we don't have something of expired proffers on a portion of a property. And it may not happen that way but I just... how I read this right now I think it's unclear what expires when or... and I know that right now we are talking in the future, but right now I am not quite comfortable with where we are.

Mr. Furnival: We would want to have that same outcome. We don't want it to be lingering. Thank you.

Mr. Howard: Any other questions for the applicant?

Mr. Hirons: Yes.

Planning Commission Minutes
April 20, 2011

Mr. Howard: Mr. Hirons?

Mr. Hirons: You said at some point along the way in your discussion with staff, this phasing concept came up.

Mr. Furnival: Yes.

Mr. Hirons: Do you have any more insight and what point and maybe on what level the phasing idea...?

Mr. Furnival: I think it came out, as you recall Mr. Hirons, we met with you and Ms. Stimpson on this and then following that meeting we met with staff and tried to digest, you know, the results of that meeting and I believe it came at that time in the process.

Mr. Hirons: Okay. And that wasn't my feeling or expectation after that meeting. I don't think we really discussed specifically a phasing type of thing. But we kind of understood what the purpose was so the land is marketable in some fashion and that Knights of Columbus proffer really was the one that caused issue. But I think there was a lot of discussion during that meeting about the potential impact to Manning Street and I'm not so sure, I think it's been pointed out here pretty blatantly that this phasing approach and the TIA not being brought into play until potentially Phase 2 or site plan after Phase 2 development. I think I agree with the folks that pointed out that we're going to have issues. We're not going to be able to make improvements to Manning Street that will be necessary considering the impacts. I understand your intent and the offer to apply any sort of... mitigate any sort of negative impacts on the use, but there is no real enforcement or ability for us to have input on that.

Mr. Furnival: Well sir, the proffer states that when we know what the use is going to be we will perform a Traffic Impact Analysis and any recommendations within the site area that are recommended even, not required but recommended, would be implemented. So, I mean, I think (inaudible).

Mr. Howard: Here's exactly what it says. It says a Traffic Impact Analysis, in accordance with the Virginia Code, Virginia Administrative Code and all VDOT requirements, shall be prepared in association with the first major site plan under Phase B of the project and any following major site plans if required by the Virginia Code or the County Code. Any transportation improvements recommended by the Traffic Impact Analysis and approved by VDOT that is located along the frontage of the parcel shall be constructed prior to occupancy permit. So that's what you're referring to?

Mr. Furnival: Yes sir.

Mr. Howard: And that's worded well. The challenge is we don't know what that is and that was Mr. Fields' point and somewhat of Ms. Kirkman's point that we just don't know what that is because it's not as clear to us nor to the applicant you're representing of what the actual use is. And that's what the TIA allows you to do, is to put a "scenario" out there and there's a pretty good methodology that the state's come up with to try and understand what potential traffic impact could be depending on the type of user that you think you're going to market to. And I know staff told you to use the most intensive use which was this restaurant.

Planning Commission Minutes
April 20, 2011

Mr. Furnival: Mm-hmm.

Mr. Howard: So, what we need to clarify is does that cover the application under the current code? We don't... I don't know if the answer is yes or no at the moment, but I know that we're going to find out. It's not going to stop anything that happens tonight because we have time on this application. We don't need to... I don't think anyone's looking tonight to make a decision either way. We're trying to understand this a little bit more, we're having dialogue with you as an applicant and we're all for good positive business development within Stafford County. So don't get the wrong impression, but we also have to look out for all of the residents in Stafford County and try and leverage every application that comes through the county to its fullest advantage and that's what we're trying to do. And I think that's what you're hearing from all the Commissioners up here.

Ms. Kirkman: And I think Mr. Chair, my concern I think the applicant has tried to comply with what staff has...

Mr. Howard: Requested.

Ms. Kirkman: ...asked of him. My concern is that...

Mr. Howard: Was that the right request of staff?

Ms. Kirkman: Right.

Mr. Howard: Yes.

Ms. Kirkman: And that is staff appropriately administering the requirements for a rezoning?

Mr. Howard: Yeah and that's what we have to do some homework on. That's our homework to do, not yours. So are there any other questions for the applicant? Hearing none we'll now open up the public hearing. So anyone that's in the audience this evening in person, even though we're on the internet apparently, you can come forward and address the Planning Commission on any comments you have related to the proffer amendment on Cambridge Properties, LLC. You can step up to the podium; we just ask you to state your name and address and you have three minutes to address the Planning Commission. When the green light goes on your three minutes begins and when the yellow light comes on you have about a minute to conclude your comments; when the red light flashes we ask that you conclude your comments and allow the next speaker to address us.

Mrs. Callander: Yes, good evening Mr. Chairman, members of the Planning Commission. I'm Alane Callander of Falmouth. I've lived in that area in three different subdivisions for 30 years so I'm quite familiar with that intersection. It's dangerous now and it's right near Drew Middle School. It's a good location for commercial development but traffic is key there, safety. So I appreciate the interest you've all had in traffic analysis there; I think that's very, very important. In fact, that intersection could even need a traffic light already without development. I'm concerned that I may be the only person here tonight from that part of the county. I happened to run into a friend last night who lives on Manning Drive whose property is adjacent to this property. And she had gotten a letter about a public hearing being cancelled. So I'm not sure if that was... you know, I'm not sure what that letter said exactly, but 'am wondering if there's a reason why people from that part of the county aren't here tonight because this, you know, there are a lot of residential units in that area and people would be very

Planning Commission Minutes
April 20, 2011

concerned about commercial and traffic. I also wanted to point out something, that the area where this is is not real far from the Historic District of Falmouth. And it would be nice if that was a real tasteful commercial development that went in. So if you would consider things like architectural features as well, I think that would be very helpful. Thank you.

Mr. Howard: Thank you. Anyone else wishing to address the Planning Commission may do so by stepping forward to the podium.

Mr. Waldowski: Paul Waldowski. The one positive comment I'll make on behalf of citizens of the county is I do like the concept of the reuse of a vacant site. But the one comment that really bothers me from any applicant who stands here and says that they feel that they've done the right thing. The word feel means that you're subjective and I do like the approach of the Commissioners taking the objective approach because I love that analogy of this is our only bite of the apple. And this is the only time I'm going to be able to stand up here and talk about this reclassification. The land use that I wrote in my notes here is right now there is no use and then I heard there's possible uses, and then there's known uses and then there's not known uses. Then we've heard about types of retail. You heard about the traffic aspects from a citizen who's been here a lifelong resident and anytime you bring 18-wheelers near any school in any entity, public safety is the number one key. You know your boss, each one of you, the Board of Supervisors. The number one priority of the Board of Supervisors is public safety. Now the other aspect that really bothers me is when I hear about estimates and best guess about trip counts. And you know engineers are used to using swags, and I won't define it. You know, it's that scientific wild assumable guess; how's that for being politically correct? And that's why we have processes like Traffic Impact Analysis. And it's so convenient to list 956 vehicle trips just so it's barely under the 1,000 vehicles per day. Isn't that convenient? If you set a precedent like this, you're going to give someone a blank check. And in this housing market there are tons of foreclosures, there are lots of opportunities for people to get land and do it and I'll finish with my positive comment, the reuse of the vacant site is the positive aspect of this application. But you need to defer it until you get more information. Thank you.

Mr. Howard: Thank you. Anyone else wishing to address the Planning Commission may do so now by stepping forward to the podium. Seeing no one else advancing to the podium this evening on this particular subject, I will now close the public... well, am I doing that? I'll now bring it back to the Planning Commission. I'll close the public comment portion and bring it back to the Planning Commission.

Mr. Hiron: Mr. Chairman?

Mr. Howard: Mr. Hiron. Thank you for waiting to be recognized.

Mr. Hiron: I have a question for Mrs. Baker about what one of the citizens had asked or pointed out a cancellation of a public hearing. Is there anything in that area that that could be related to?

Mrs. Baker: We did not send out any letters of any cancellation. There was an advertisement that you all had initially put for the floor area ratio that was going tonight. And in the initial run of the ad there was a cancelled that ran across that particular item that was cancelled. It was listed in the newspaper; the second run of the newspaper is when it actually ran as cancelled.

Mr. Howard: I think it was last Tuesday's paper.

Planning Commission Minutes
April 20, 2011

Mrs. Baker: It ran the first week and then the second notice that ran in the paper had cancelled just across that particular item. But we did not send any letters out; we don't typically do that.

Mr. Hirons: Would the county ever send letters to affected neighborhoods?

Mrs. Baker: No, not for a cancellation of a public hearing.

Mr. Hirons: Okay.

Mrs. Baker: We send it out just to notify the adjacent neighbors when a public hearing is coming up, but if it gets cancelled it's only going to be shown in the newspaper.

Mr. Hirons: Okay.

Ms. Kirkman: Is the county now sending out those notification letters for rezoning applications?

Mrs. Baker: Yes, the county sends out the notification...

Ms. Kirkman: Because the process used to be the applicant would do it and certify they had done it. So that has changed?

Mrs. Baker: It's actually based on the number that is submitted. Is it still limited... I'm asking Mrs. Stinnette because she sends out the notices. Are they required to do it if it's over 20? Okay, that has changed. We send out all the letters.

Ms. Kirkman: Okay; thank you for that clarification.

Mr. Howard: Mr. Hirons?

Mr. Hirons: I think we've developed an awful lot of questions about this, more than I kind of anticipated, and my anticipation coming from my recollection of the meeting both Supervisor Stimpson and I had with the applicant, I wasn't expecting this application to come through as a Phase 1, Phase 2 type of thing in one giant application. So there's still a lot to digest here as well as answer some of the questions that have been asked. So my motion right now is going to be to continue this public hearing until our next meeting...

Mr. Howard: You want to leave the public hearing open until May 4th?

Mr. Hirons: Yes.

Mr. Howard: Is that your motion?

Mr. Hirons: Yes.

Mr. Howard: Is there a second?

Mr. Fields: Second.

Planning Commission Minutes
April 20, 2011

Mr. Howard: Any discussion?

Mr. Hirons: Part of my discussion is going to be as I would like to find out from staff and possibly they may want to have conversations with the applicant on what opportunities there are to split this into Phase 1 as one application and then enable us to approve Phase 1 and then Phase 2 be a second application. This seems to kind of have similarities to another application that was in the Falmouth District. Maybe it's Falmouth District applications just like multiple phases, that being the gas station at Stafford Lakes Service Center. But I think that's going to be my question for staff to determine if there's a path that we can split this... these phases I suppose into two different applications or enable us to move forward on Phase 1 but leave Phase 2 on the table.

Mr. Howard: Okay. I think there was also some... Ms. Kirkman read the ordinance for the County and there seems to be some confusion, so I'd ask Mr. Smith and Mrs. Baker to coordinate on a response whether or not the Traffic Impact Analysis... at what point is it triggered? And did this application come forward, you know, in the right vein as it relates to whether or not the TIA should have been accompanying this particular application. Ms. Kirkman?

Ms. Kirkman: Just to clarify that, prior to implementation of Chapter 527, the County has always had a requirement for some sort of Traffic Impact Analysis.

Mr. Howard: Right.

Ms. Kirkman: What Chapter 527 changed was it standardized the methodology for doing that and my understanding is we still have our own county requirement under a certain limit and so it's not... so I wanted to...

Mr. Howard: I understood and you read it this evening.

Ms. Kirkman: (Inaudible) there actually are two different kinds of traffic (inaudible).

Mr. Howard: Correct. You read it this evening and Mr. Zuraf indicated that he thought the trigger was a thousand. So I think there's a discrepancy... two discrepancies and the two answers should be yes we still have our own ordinance and it's 500 or yes we still have our own ordinance and it's a thousand or no, we adopted the 527 language into our own ordinance, which I don't recall what we did. So I think that's what we need you to come back and explain. Does that clear that up Mrs. Baker? Great, thank you.

Mr. Rhodes: Mr. Chairman?

Mr. Howard: Yes Mr. Rhodes.

Mr. Rhodes: I would just like to, as a general comment to share, staff I think regularly tries to interpret the desires and expectations of the Planning Commission as they deal with applicants. And we have had many occasions where there have been elements of a portion that was owned by the same owner and we had desires to know what are you thinking about doing there? What are you going to do there? What are the plans? What are the future ideas? And actually, quite frankly, I think they did a fairly good job of trying to flush that out to get a sense of what that future development is, which is one thing we've kind of beat them up for in the past and beat up applicants for in the past. So we... in a sense

Planning Commission Minutes
April 20, 2011

we got a lot of what we've been asking for and now we are going backwards. So we've got to be careful about what we poke at the staff on their efforts of trying to implement our intent and our desires from our practices in the past. Thank you Mr. Chairman.

Mr. Howard: I think it's a fair comment. I'm not sure we're going backwards; I think we just want clarification. But absolutely staff did bring forward an application that in the past there were gaps that in this application those gaps had been closed. So, we do appreciate that. We always appreciate the work that staff does and we know it's not easy and we certainly... we want to see vacant buildings and vacant properties be turned into profitable, viable businesses as well in Stafford County and that's hopefully everyone's goal. And I believe it is. With that, there's a motion on the table; all those in favor of the motion signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mrs. Kirkman: Aye.

Mr. Hiron: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0. Thank you. We now move onto item 11, which is under public hearings and this is the amendment to the Stafford County Comprehensive Plan. And this is a proposal to recommend the adoption of the proposed Stafford County Master Redevelopment Plan, which is dated March 15, 2011, as revised by the Planning Commission at its meeting on March 16, 2011, as an amendment to the Comprehensive Plan in accordance with Virginia Code Section 15.2-2229. Mrs. Baker?

11. Amendment to the Stafford County Comprehensive Plan (the "Comprehensive Plan") - A proposal to recommend the adoption of the proposed Stafford County Master Redevelopment Plan, dated March 15, 2011, as revised by the Planning Commission at its meeting on March 16, 2011, as an amendment to the Comprehensive Plan in accordance with Virginia Code Section 15.2-2229.

Mrs. Baker: Mr. Chairman, Brad Johnson from the Economic Development Department is here for the presentation.

Mr. Howard: Great, thank you. Do we need the computer?

Mr. Johnson: I will, yes.

Mr. Howard: Computer please?

Mr. Johnson: Sorry, each time I have to relearn how to use this.

Planning Commission Minutes
April 20, 2011

Mr. Howard: That's alright. I think you just have to... just like a mouse on the computer, yeah.

Mr. Johnson: Okay. Good evening Mr. Chairman, I'm Brad Johnson, Redevelopment Administrator. I'm here tonight on behalf of the entire redevelopment planning team as you suggested to ask the Planning Commission to consider including the Master Redevelopment Plan as a new element of the Comprehensive Plan. This document is the first of its kind in that it's a Redevelopment Plan that focused on non-residential uses and it did not involve from the start any idea of a public sector major purchase of land for any particular redevelopment activity. The plan itself is approximately 3,000 pages long, it represents over 10,000 staff hours of work and it took us about 18 months to put together. In your packet tonight, you should have a staff report, a copy of Planning Commission Resolution 11-05 recommending adoption of the plan, Planning Commission Resolution 11-06 recommending denial and updated Volumes I through V of the Redevelopment Plan per the instructions at your March 15th meeting. I have a brief presentation to go through and I'll discuss background on the Redevelopment Plan and how we put it together, the guiding principles that we considered in putting the plan together, our key findings and recommendations from the plan, and current implementation activities. The redevelopment initiative began in 2006 with the 2006 Economic Development Plan. The Economic Development plan identified two opportunity areas, Boswell's Corner and the Courthouse. When this document was reviewed by the Board of Supervisors, they added two additional areas, Falmouth and Southern Gateway. In 2007, the initiative began in earnest with a public forum in Boswell's Corner followed by and on air interview with WFVA Radio Station. We held a Courthouse public forum, we briefed the Economic Development Authority on plans in the Falmouth area. In 2008, we briefed the Economic Development Authority on Boswell's Corner. The Board of Supervisors adopted the Economic Development plan. We briefed the Stafford round table, the Economic Development Authority was briefed on the Courthouse area. I realize I am going through these pretty quickly, I didn't want to dwell on any of them in particular but I am getting to a point. The Redevelopment Plan contract was authorized by the Board of Supervisors in March; phase one, the data collection and analysis phase, took place between April and December 2008. We held a public forum in Falmouth, the Economic Development Authority was briefed again this time on Southern Gateway. Also in 2008, we briefed our Redevelopment Advisory Committee; the Redevelopment Advisory Committee was made up of two members of the Board of Supervisors, one member from the Planning Commission and one member from the Economic Development Authority. We also briefed the Architectural Review Board, we held a public forum in the Southern Gateway. We had another on air interview with WFVA, we briefed the Architectural Review Board again. The Redevelopment Advisory Committee was briefed again. In 2009, we completed phase one on the existing conditions and held public workshops in Boswells Corner, Falmouth, Southern Gateway and the Courthouse area. These were hands on exercises as were documented in the document. The Planning Commission was briefed in February; we also briefed the Architectural Review Board again. In February through April, we undertook the preliminary planning phase including in that were comments raised by the public during the public workshops. The Redevelopment Advisory Committee was again briefed before we had a second round of public workshops. These workshops investigated and explored the preliminary plans and again, these were hands on public workshops in Falmouth, the Southern Gateway, Courthouse and Boswell's Corner. We finalized the plans. In May and June of 2009, again briefed the Architectural Review Board, we finalized the deliverables between July and October of 2009. In September of 2009, the Economic Development Authority was briefed on the final document. In 2010, in February and March the Board of Supervisors reviewed those documents and passed them along to the Planning Commission for your initial consideration. The Planning Commission reviewed those in March through August and made some suggested changes to the Falmouth plan. In October and November of last year, the Economic

Planning Commission Minutes
April 20, 2011

Development Ten Point Plan Committee reviewed those documents and passed them along to the Board of Supervisors, the Board of Supervisors reviewed those documents December through March, they endorsed the changes that the Planning Commission had suggested in Falmouth and we brought it back here to the Planning Commission March 15th. The point that I was getting at through this, we have had a lot of public input and a lot of opportunity for the public to see this document and in fact, by our count the public had at least 48 opportunities to have access and input to this document over the past 51 months. Our guiding principles as we were putting the plan together, there was a lot of things going on at that time. What we tried to do is we tried to follow on with the concept being discussed through the county land use planning process and that was to focus future growth. Just to remind you that during that time, the Transfer of Development Rights program was just beginning to be discussed as were the concept of having Urban Development Areas. Also on our guiding principles, we wanted to consider the hierarchy of planning documents and our thought putting the document together was that the Land Use Plan establishes land uses. We wanted the Redevelopment Plan to be an implementation to the Land Use Plan and another guiding principle was, what would the roll of the County be in redevelopment? And as we went through the process it was determined that facilitating private sector investment was probably the best roll for the County. I will now go briefly through all of the areas. Our key findings in Boswell's Corner was the BRAC redeployments should attract additional related uses and that infrastructure capacity is generally adequate for five year market demand for up to an additional 400,000 square feet of office, 190 hotel rooms, 112,000 square feet of retail and other associated mixed use opportunities.

Ms. Kirkman: Excuse me, could I ask a question?

Mr. Johnson: Yes ma'am.

Ms. Kirkman: And this applies to a lot of these estimates throughout this document. What years of data are these based on?

Mr. Johnson: We used a base planning year of 2006.

Ms. Kirkman: 2006?

Mr. Johnson: Yes, that was the base year.

Ms. Kirkman: So have they been updated in any way to reflect the bursting of the real estate bubble?

Mr. Johnson: No, not at this time.

Ms. Kirkman: Thank you.

Mr. Johnson: The key recommendations in Boswell's Corner are to implement form based code, to construct a linear park adjacent to Route 1, initiate infrastructure improvements, develop streetscape design guidelines, prepare a pedestrian circulation plan and establish a commuter link to the Quantico VRE station. In the Courthouse area, our key findings are that the new hospital should attract additional related uses, an infrastructure capacity is generally adequate for five year demand of up to an additional 91,000 square feet of office, 120,000 square feet of retail and other associated mixed use opportunities. Key recommendations in the Courthouse area include implementing form based code, initiating infrastructure improvements, develop streetscape design guidelines, rejuvenate Wayside Park

Planning Commission Minutes
April 20, 2011

and pedestrian circulation plan. In Falmouth Village, our key findings were the activities that tend to attract tourists such as the discoveries at Ferry Farm, Yankees in Falmouth and the Way Finding Sign Program are increasing in Falmouth; the infrastructure capacity there is generally adequate for a five year market demand of up to an additional 3,000 square feet of office and 14,000 square feet of retail. Key recommendations in Falmouth include implementing form base code initiating infrastructure improvements, develop streetscape design guidelines, prepare a heritage tourism plan, prepare pedestrian circulation plan and establish small business support and financial assistance programs. In the Southern Gateway, our key findings were that disparities appear to exist between commercial offerings and apparent current demand. Infrastructure capacity is generally adequate for five year market demand of up to an additional 2,000 square feet of office, 250 hotel rooms, 450,000 square feet of retail and other associated mixed use opportunities. The disparity that I am referring to is particularly in the hotel sector. In the Route 17 corridor, the analysis that was done seems to indicate that there was probably a demand for a higher end type of hotel in that corridor based on what is out there today. Key recommendations in the Southern Gateway, implement form base code, connect to Falmouth redevelopment area along Route 17, develop streetscape design guidelines, relocate the commuter parking lot, prepare a pedestrian circulation plan and plan new street connections between Truslow Road and Route 17. Current implementation activities, as you probably know the new BRAC building, the Russell Knox Building is open and people are already moving into that; the estimate that we get is that there is going to be roughly 200 new workers per week between now and September. So the effects of BRAC redeployment have already begun. Planning for infrastructure improvements is underway on Telegraph Road and on Route 1. Form based code is being prepared. In the Courthouse area, as you know the I-95 interchange redesign is underway, streetscape improvements are underway for Courthouse Road and Route 1 and it is included in an UDA. In Falmouth Village, the Belmont/Ferry Farm Trail and other safety and parking improvements are being designed and the Falmouth intersection improvements are being designed. In the Southern Gateway, Route 17 improvements are being designed and it is included in a UDA. I would be happy to answer any questions.

Mr. Howard: Thank you Mr. Johnson. Very well done I might add. I mean, I know there has been a tremendous amount of work and effort, not only by yourself as an individual but many of the staff in Stafford County and other departments and Boards and Commissions. Many, many people have contributed.

Mr. Johnson: We had a very good team.

Mr. Howard: Very good team. Any questions for Mr. Johnson?

Mr. Hirons: Mr. Chairman?

Mr. Howard: Mr. Hirons.

Mr. Hirons: I do. I think when the... one that is going to draw maybe more questions or comments and concerns is the Boswell's Corner plan.

Mr. Johnson: Yes sir.

Mr. Hirons: How much input did military leadership at Marine Corps Base Quantico have in Boswell's Corner's development?

Planning Commission Minutes
April 20, 2011

Mr. Johnson: What I can tell you is that for the forum and both public workshops that we held in Boswell's Corner, direct mail invitations were sent out to all land owners that were inside the area as well as adjacent to the boundary as shown in the plan and the public notice was also made. I know for certain it was on the county website, I don't know whether or not it was in the newspaper. But the standard public notice that we do on any of these meetings through County Administration.

Mr. Hirons: My questions was, did anyone from Quantico, from the Marine Corps Base attend any of the public workshops or have seat at the table of the Advisory Committee?

Mr. Johnson: They weren't on the Advisory Committee as a group and I can't tell you for certain whether or not any of them actually attended the public workshops. The Boswell workshops... the forum had... each of them had around 50 people attend. I don't recall anybody from Quantico being there but...

Mr. Hirons: Was there any official letter sent from the command at Quantico during the process about the noise impact zone and Boswell's Corner's proximity to any of the ranges?

Mr. Johnson: Not directly to the redevelopment effort. As we did receive a copy of the, and I don't know the acronym but it was the R-CRUZ. The impact area brochure did find its way to our office through the planning office and we were aware of that. That was included in the planning work that we were doing.

Mr. Hirons: In the text is there any... does it speak to at all that the proximity of Boswell's Corner to, I forget the range name but to any of the ranges?

Mr. Johnson: No.

Mr. Hirons: Explosive ranges at Quantico?

Mr. Johnson: No.

Mr. Hirons: Thank you.

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: Yes, this is an amendment to the Comprehensive Plan and in anticipation of this public hearing tonight, was the command given a copy of the Boswell's Corner component?

Mr. Johnson: Yes ma'am.

Ms. Kirkman: And when were they given that?

Mr. Johnson: When?

Mr. Kirkman: Yes.

Mr. Johnson: I don't remember the date, I know we have given them copies of the entire document on DVD.

Planning Commission Minutes
April 20, 2011

Ms. Kirkman: As part of the process. I am asking were they notified of this public hearing tonight specifically?

Mr. Johnson: Yes.

Ms. Kirkman: And this particular amendment?

Mr. Johnson: Yes. In fact, I spoke with one of the representatives from the base yesterday and in fact we exchanged emails today about it. Yes, they were fully informed.

Ms. Kirkman: And what did they have to say?

Mr. Johnson: I think there largest concern right now has to do with the residential units.

Ms. Kirkman: And what is there concern about the residential units?

Mr. Johnson: There concerned about residential units being inside there impact noise contour zones.

Ms. Kirkman: And I do remember, we did receive, perhaps it didn't go to your office although I am surprised you wouldn't have gotten a copy of it, a letter from them saying they were okay with the 744 existing...

Mr. Howard: By-right.

Ms. Kirkman: By-right planned subdivisions.

Mr. Johnson: I am sorry if I was unclear on that. We have seen that communication but that was received well after the development plan itself was completed.

Ms. Kirkman: But we are at public hearing tonight.

Mr. Johnson: Yes ma'am.

Ms. Kirkman: And so they did say they were okay with that but have they given any indication that they are okay with the figure of 1,700 that is in this plan?

Mr. Johnson: My understanding is that they are not comfortable with the 1,700.

Ms. Kirkman: Okay. Then I had some questions again relating to some of the dates of the data upon which a lot of the assumptions are made and you did clarify that the market analysis had a base year of 2006. Some of the tables regarding Boswell's Corner, they get into, and I am sure this is true for all the areas. The area that I represent get into current traffic conditions, level of service, existing capacity, the analysis in terms of traffic. What year data is that based on?

Mr. Johnson: It is 2006. I believe each of the tables you are talking to probably has a reference to the date on specific data.

Planning Commission Minutes
April 20, 2011

Ms. Kirkman: You know, that is what you would think and that is what I looked for but they don't. Actually, I thought we had some discussion about that, I know in reference to the market, that some dates would be put in so it would be clear what the source year for the data was but... you know, like I am looking at table 16 and table 17 in the Boswell's Corner Chapter and it is about level of service, threshold values and capacity analysis, summary and it give the source, which is Wells and Associates. It tells you where the values come from so the highway capacity manual 2000 but it doesn't give like what year traffic conditions we are talking about.

Mr. Johnson: I'm sorry ma'am, what page are you on?

Ms. Kirkman: Page 24 and 25.

Mr. Johnson: What I can tell you is that Wells and Associates used existing available data.

Ms. Kirkman: So on the accident analysis, it does say it was from 2003 to 2007 but on the traffic conditions themselves, I couldn't find a date anywhere.

Mr. Johnson: Excuse me a moment. On page 23 at the bottom, the last sentence, level of service selected roadway lengths evaluated based on Stafford County 2006 baseline traffic volumes.

Ms. Kirkman: Okay. So basically everything in here is baseline of 2006?

Mr. Johnson: Yes ma'am.

Ms. Kirkman: Including the traffic analysis?

Mr. Johnson: Yes ma'am and we did that at the recommendation of the redevelopment team. At the time, each of the documents that was being updated was using 2006 as a baseline, so we used 2006 as well.

Ms. Kirkman: Then lastly, my colleague was asking about the public input a bit. I had previously expressed concern about the comment on page 34 of the Boswell's Corner chapter that states the trailer park needs to be removed or relocated. When I expressed that concern, I was told at the time, well that was just a comment made during one of the public meetings but then when I looked further into this and I looked at the master plans, the trailer park is completely gone and Crystal Lake has been renamed as a stormwater management pond. So I would like to know, where the residents of Crystal Lake specifically informed that this Master Redevelopment Plan calls for the complete removal of where they live?

Mr. Howard: Well, does the plan call for that?

Mr. Johnson: No, that is kind of what I was trying to frame the answer. The redevelopment plan map that is shown on page 37 is not a regulatory document; it is a notational document of where these land uses might be located.

Mr. Howard: It is a rendering?

Mr. Johnson: Exactly.

Planning Commission Minutes
April 20, 2011

Mr. Howard: It is a rendering of what the County desires at some point in this particular part of the County.

Mr. Johnson: Exactly.

Ms. Kirkman: So, could you show me on that rendering where Crystal Lake is?

Mr. Johnson: You are correct that it is showing new land uses, I think residential and office uses in that general area. That is something that...

Mr. Howard: Yeah and it shows that through every redevelopment area.

Mr. Johnson: Correct.

Mr. Howard: That there is changes everywhere throughout the County based on the renderings.

Mr. Johnson: Right. And what we are trying to highlight in this and the other documents as well is that we are encouraging good based street system in the future and this is what a good based street system might look like in Boswell's Corner, not that it would but that it could.

Mr. Howard: And in the Comprehensive Plan Ms. Kirkman, as you pointed out to us I think it was the last meeting, there is a provision or requirement to try and help those who are displaced for redevelopment such as this to get some help whether it is through the County or some other means or mechanisms to relocate.

Ms. Kirkman: So, let me rephrase my question then since we are not going to call this regulatory, we are calling it a depiction. And since it now depicts Crystal Lake as a stormwater management facility and it depicts a combination of residential housing and offices. Were the residents of Crystal Lake specifically informed that this depiction calls for the removal of their trailer park?

Mr. Johnson: What I can say is that the residents of Crystal Lake where invited to the public workshops and public forums of this map and earlier version of it was discussed.

Ms. Kirkman: Thank you.

Mr. Howard: Any other question for Mr. Johnson? I am not sure... well, I am sure why 2006 was used as a baseline, it because when we started, right? At some point you have to have a starting point but by googling some things, that is when the economy in Virginia started to go negative. So while we were performing better than the nation for a few years prior to that, we started to see a decline in the state of Virginia, started to see a decline in the economy, in particular with job growth. In some other factors like building and permits and so on and so forth so, not to say that you have caught everything but that point in time that was selected does capture some of the downward spiral that we found ourselves in for the next four to five years post 2006.

Mr. Johnson: If I could just add, we had quite a bit of discussion on how to label those tables.

Mr. Howard: Right.

Planning Commission Minutes
April 20, 2011

Mr. Johnson: Particularly because we had already started into that period of time and each of the four redevelopment areas has different strengths and weaknesses. In the case of Boswell's Corner, we thought with the impact of BRAC coming along, that may not be hit as bad as maybe another area that wasn't and didn't have a specific impact already on the...

Mr. Howard: That's right.

Mr. Johnson: We had a lot of discussion about that so I understand the question.

Mr. Howard: That is a good question and it, unfortunately, it can never be an exact science when you are talking about this many redevelopment areas.

Mr. Kirkman: Mr. Johnson, did you do anything to check with say, like the Silver Company and other that are currently developing in that area? Because if they have an application in front of us now for the Quantico Corporate Center and they were very clear that they have slowed their plans as a result of the economy.

Mr. Johnson: Yes ma'am.

Ms. Kirkman: So, have you done anything to go back to the people who really are involved in this to see if these projections are still realistic?

Mr. Johnson: Not at this time but I think that is a very good question and I think as part of some of the other Economic Development activity that we've got going through the ten point plan process, I think a lot of that will be addressed in the process. Since the recommendations here in this document mainly focus on potential changes to code, policies and procedures, those seem to be fairly universal in their application if we wanted to encourage development in the redevelopment areas.

Mr. Howard: Thank you. Any other questions for Mr. Johnson? Hearing none, we will now open up the public hearing for public comments. Anyone wishing to address the Planning Commission this evening on the Amendment to the Stafford County Comprehensive Plan, which is a proposal to recommend the adoption of the proposed Stafford County Master Redevelopment Plan dated March 15th may do so by stepping forward to the podium. We just ask that you announce your name and your address and you have three minutes to address us.

Steve Hundley: Good evening, I am the Community Plans and Liaison Officer for MCB Quantico. I would like to address a couple of issues that Ms. Kirkman and Mr. Hirons brought up. First of all, I was at the Board of Supervisors meeting last night where they discussed the amount of residential that they were going to offer up to the Planning Commission at your request. They came up with the number 1,700 and I would like to point out that as we stated in our first letter back in August of last year and then a letter in January, I believe and the Base Commander has spoken before the Board of Supervisors and I have spoken before this Board. the Base would not prefer not to see any additional over what is the by right at this time, which is, the numbers vary, I think the planning staff came up with 724, I came up with 600 and some based on my own analysis. So the 1,700, if you go back to the urban, when Boswell's Corner was being considered as an urban development area and it called for 1,100 plus additional residential units. Well they are back to that same number now with 1,700, which is basically the same thing as it was before. Now it is less than the 3,300 cap or the high level shown in some of the documents for the Master Plan for Boswell's Corner but it's still quite a bit more than

Planning Commission Minutes
April 20, 2011

what is permitted by right. Mr. Hirons, you asked about the notification of the base and when I first became aware that residential was being considered for Boswell's Corner and I have been on Board for CPLO less than two years, it was when it was an Urban Development Area (UDA); as a UDA that was the first that anyone at the base had realized that residential was being considered there. On the website for Boswell's Corner, this is still up, which says existing residential and new retail and commercial, it is still up so that is what we all understood. The only person that was notified during the only stages of the redevelopment area consideration of the meetings was Mr. Rosewarne, John Rosewarne who is in the Business Practices Office. He came to speak, to the meeting and he wasn't aware at that time or after that time that residential was being considered. Anyway, the base is concerned about residential that close to Charlie Demolition Range still remains.

Mr. Howard: Thank you. Would you stick around?

Mr. Hundley: Sure.

Mr. Howard: Anyone else wishing to address the Planning Commission may do so by stepping forward.

Manuel Matthew: Hello, my name is Manuel Matthew. I just think that we should pay a lot of attention to what the Quantico Base has indicated as their objection to the residential numbers in that area as close to that Charlie Demolition Range. I want to thank the Marine representative that identified Charlie for us. I think that other possibilities, other developmental possibilities should be considered for that Boswell's Corner. I am not sure what the numbers should be but probably the Marine Corps has a better idea when they say 600 and probably the UDA consideration should be made and should be included at this point. Thank you.

Mr. Howard: Thank you, anyone else wishing to address the Planning Commission on this matter may do so by stepping forward to the podium.

Alane Callander: Good evening, I am Alane Callander; I would like to congratulate the County on the Master Plan. They have been working hard on it and they have included citizens at every possible opportunity. I know that Mr. Johnson has been very helpful and easy to talk to. I had a couple of concerns; one had to do with the number of commuter lots that are being talked about as part of these redevelopment areas. What concerned me was that we seem to be encouraging the concept of commuting rather than working close to home. You know it seems like we're developing these areas so people can park their car there and get on 95 and I am not sure that really resolves a lot of our problems. The Boswell's Corner area is of interest; I do think that you may currently have too many residential units there. It seemed that the UDA had less than the RDA but I don't have the exact numbers. I guess what it is sort of confusing is how that Federal Government has asked us... has required that all these people move down to Quantico to offices there and yet they don't want residential there and so it is just adding to the nightmare that we already have on our roads. It seems to me that we could work something out with Quantico where Boswell's Corner could be a UDA, which would help us out with our requirements to the State. I think we should eliminate Brook, it doesn't make sense as a UDA but that doesn't mean we couldn't improve Brooke around the VRE but it doesn't need to be a UDA. So I would... I think we did what we needed to do in setting these Redevelopment Areas, it is great to see this kind of planning and I hope that we can work something out with Quantico. I did want to mention that, you know, there is concern about sound disturbances

Planning Commission Minutes
April 20, 2011

around Quantico and yet they expect people to go to work there and be in an office all day with those kinds of disturbances. So thank you very much.

Mr. Howard: Thank you. Anyone else wishing to address the Planning Commission may do so by stepping forward.

Mr. Waldowski: Paul Waldowski. Now I am confused in regards to 2006, we're doing RDA's and I am looking at the UDA's that on February 9, 2011, I will give you the exact number, 600 housing units were for Boswell's Corner. That was by the joint Planning Commissioners and Board of Supervisors. So if we are going to have a Comprehensive Plan, I think you need to make a decision, what is going to be a UDA and what is going to be an RDA. Now Courthouse is a great example because I brought it up before, if you go across the street and take care of that restaurant that would make it an RDA but if you want to live work and play because you're wanting to increase the access through I-95, well then maybe it should be a UDA. I wasn't going to bring up commuter lots but I just love that topic because this county needs to enter the 21st century. Build a commuter lot that is a vertical parking garage and you are going to stop a lot of these problems. Now one of the key aspects to me is, I spent one third of my life dealing with federal aspects and I have never seen any military installation get involved in a civilian aspect. As a matter of fact, if you look at a military installation, it is a UDA. It's got its own bowling alley, it's got its own movie theater, it's got its hospital, you can walk around, it's got transportation and this particular base because of the post 9/11 aspects and the other activities that were involved in has this noise factor coming along. The noise factor is not just in Boswell's Corner, you know, there was a comment made by one of the Supervisors the other day that said: Wow, you're buying property near a Marine Base. Well, they are just federal land and they have 30,640 acres and they just happen to exist at 17.3% in this county and like I said before, the military, I am a retired military officer so I have the utmost respect for the Marine Corps and any of our services in any aspects. But this is a civilian factor and I think we need to look at the land use from a civilian aspect unless you can show me that federal money is coming into this County to improve these roads where all this stuff is coming in, so bring on these numbers with the BRAC and then we will see what really happened. And that is objective, not being subjective.

Mr. Howard: Thank you. Anyone else wishing to address the Planning Commission may do so by stepping forward. Seeing no one else advancing to the podium, I will now close the public comments section and bring it back the Planning Commission. Are there any additional questions of staff?

Ms. Kirkman: Mr. Chair?

Mr. Howard: Yes.

Ms. Kirkman: I have one for the County Attorney.

Mr. Howard: Sure.

Ms. Kirkman: And I am concerned to hear that a reasonable person went the County website to pull down information on this Master Redevelopment Plan, which is an amendment to the Comprehensive Plan and found on the County website something totally different than what we are actually hearing. I am wondering if that creates a procedural defect regarding the notice requirements.

Planning Commission Minutes
April 20, 2011

Mr. Smith: Ms. Kirkman, while it is unfortunate if that is the case, I don't think that it creates a legal defect in the counties public notices and advertising. The State Code does not require that proposed amendments be posted on the County's website. I think that the State Code encourages the county to post as much information as possible to make it available on the website or other resources but the required state notices are pursuant to a newspaper of general circulation and making the materials available in County offices for review and inspection.

Ms. Kirkman: But my concern in this case is not that they didn't post anything, it was that they posted incorrect information, which might lead people to believe that they don't need to be here because according to the information that was reportedly posted, no additional residential development in the Redevelopment Plan. So my concern is not whether or not it was posted and the requirements regarding that but the fact that incorrect information was posted.

Mr. Smith: Well Ms. Kirkman, I do think that is unfortunate. I don't think that that would negate the County's compliance with the notice and public hearing requirements under the State Code that we have met. I do think it would be unfortunate if someone were misinformed by other information that the County made available or posted on the website.

Mr. Howard: Thank you. Are there any other questions? I did ask, I think it's Mr. Hundley, to stick around and while it is not the normal procedure, recognizing that the MCB Quantico has been with us along this whole ride basically. If there were any other questions that we could ask him... if anyone has the desire to do that? And it doesn't look like there is so I just want to thank you for coming down and sharing your wisdom with us. I will say that I know one of the citizens are not here but there is this issue with encroachment on bases throughout the United States and it is a dilemma that the federal government faces with all local municipalities. In any case, both can work it out and both have worked it out and in some cases they haven't. And when you look at the BRAC Reduction Act... I did some research for the last meeting, I didn't bring it with me this evening... when you look at some of the bases that are being, quote, realigned, you see that there was significant issues with encroachment and other factors that go into some of those decisions, not all of the those decisions but you have a part in how the United States Military determines what bases remain open and what activity takes places on those bases. In all those cases, the activity that takes place on the base determines the size of the base, the number of people that work on the base, so on and so forth. And the activity is not always apparent to the local communities in terms of what is truly being done on base and there are lots of reasons for that. In any case, we certainly appreciate having Quantico as a neighbor and glad to have them here. Bringing back to the Planning Commissioners for any other comments, I do have a question myself. I also did think that we were changing the residential build-out in the table to not exceed the as by-right in the Boswell's Corner. I thought that was a discussion we had as a group?

Ms. Kirkman: Apparently the Board made a different decision last night.

Mr. Howard: Yeah, but this was printed before that. We can make a different recommendation so. Go ahead Mr. Johnson.

Mr. Johnson: I think between Mr. Zuraf and I, we might be able to shed a little light on that.

Mr. Howard: That would be wonderful.

Planning Commission Minutes
April 20, 2011

Mr. Johnson: There was considerable discussion at the Board meeting yesterday on Resolution R11-92 and... Has the Planning Commission received that? Ok. Originally as written, that document went to the Board, had the 744 unit cap in it and during the Board discussion yesterday they decided to change that number to the language that is in there now that says "including up to 1,700". A lot of discussion on that yesterday and I think between Mr. Smith and Mr. Zuraf and I, perhaps we can share with you what the thoughts were. The County Attorney and his opinion to the Board was that the issue with the Redevelopment Plan that we are talking about tonight and the form based code ordinance, which is also being worked out, was that the plan would establish sort of the envelope, the general, the ordinance would come through at a point and establish the specifics. I think the concern was, by having this resolution state 744, that it put the Board in a position where down the road if they were able to work out a different number, higher than 744 but less than 1,700 through subsequent discussions with MCB Quantico, they would be somewhat limited if this document here said 744 because you would not be able to exceed that. So since there were some ongoing discussions and still are ongoing discussions with the base concerning a residential unit mix number, which is more subject of the ordinance than the plan, that is where I think the confusion is coming from.

Ms. Kirkman: Has Quantico been provided a copy of that ordinance?

Mr. Howard: That just happened last night, right?

Ms. Kirkman: No, we have had the draft of the ordinance for a couple weeks now.

Mr. Johnson: Mr. Zuraf has been leading that effort on the ordinance side of it.

Mr. Howard: Okay.

Mr. Johnson: And perhaps he could shed some light.

Mr. Howard: Mr. Zuraf, you are part of staff, you are allowed to talk.

Mr. Zuraf: I don't know if they have received the original draft of that and I am certain that they probably did not receive the final version because that was just finalized hours before the meeting tonight.

Mr. Howard: Right.

Mr. Zuraf: I would have to check on that, if they have received.

Mr. Howard: So it is an up to number and was there discussion also in the Transfer of Development Rights that would be an opportunity to leverage should an ordinance like that exist in Stafford County.

Mr. Zuraf: That was part of kind of the desire that they could have a chance to talk to the base about more of the issues of Transfer of Development Rights and that might allow that to go up a little through follow-up discussions.

Mr. Fields: Mr. Chairman?

Mr. Howard: Mr. Fields?

Planning Commission Minutes
April 20, 2011

Mr. Fields: It is not exactly a question but I guess it is a concern I have that I am... as we try to work through this on the Boswell's Corner. I mean the by right number we've included because it's by right, we don't have the authority as we should under the Code of Virginia to take away development rights that are vested.

Mr. Howard: Right.

Mr. Fields: Or granted by right for zoning districts so we are stuff with that. But if Quantico is clearly in the, as the gentleman here clearly articulated, they've clearly articulated, again, whether we agree with that or not but if there are noise impacts that they feel are negative to residential development that close, adjacent to Charlie Demolition Range and the base in general than any number of people are adversely affected. One house is adversely affected by it and why there would be a negotiation, the affect is there and it is adverse on anybody that lives there or works there but certainly lives there if we are talking residential units. So, to me it's almost... it doesn't have any... there is really no apparent logic in thinking that okay maybe we can negotiate a number that is agreeable to both. I mean if there is an adverse effect, there is an adverse effect. It doesn't change whether there is 700 houses there or 1,700 houses there. So I don't get how there would be any variation in that number. We have to accept the by right development as the reality that is on the ground legally at this point. But the idea then that if there is an adverse effect in the additional residences are going to suffer. I can't imagine why there is a... I mean, I understand the logic here but to me it doesn't hold up from a logical stand point if the end goal is to protect residences, people who live there from the adverse effects of the base.

Mr. Rhodes: Mr. Chairman?

Mr. Howard: Yes.

Mr. Rhodes: However, I think the part of it is making the assumption that the extreme, and I don't mean it negatively, but the complete protection that is the Quantico position is what they statement, there positioning is based on. They are trying to ensure there is not the any type of potential or minimize any type of potential claim later in 40 or 50 years, from encroachment and other things, that can cause them complications in their operations. But to say that that is the end game of the protection, your statement there about the housing, I think that's a stretch, that is taking it further and it's too far of an assumption. You would stop everything all along 610 too, every one of those ranges, I mean, those ranges are all along the area there of 610. You've got different areas that come further in from the sound impact. We saw those charts when they first did their presentation and you would preclude most things along 610 as well so I think we have to find a balance. We know Quantico's position and Quantico has... wants to mitigate and minimize to the greatest degree they possibly can, it would be stop everything if at all possible except for commercial, any degree of potential issues that they may face in the future. Then the County and I would assume the Board and others are trying to find a balance in there. Where could we find the right balance and where can we keep our flexibility to find that right balance. Growing up Department of Defense from the time I wore a diaper on through and never have done anything else, I understand and I have a great appreciation for that and I have dealing base and station issues for a long time. So I understand that positioning but I don't think we take every single statement and just stop everything because of it. We have to find the right balance for Stafford County and so we just need to be careful not to eliminate any potential for balance for Stafford I think. I just we have to be careful about that aspect as well.

Planning Commission Minutes
April 20, 2011

Mr. Fields: I understand; point well taken, Mr. Rhodes. I guess, then, to me it would beg the question why do we eliminate the UDA? Because your logic, which I actually agree with that the citizens in the County has a set of concerns that we hope to be congruent as possible with the mission of Marine Corps Base Quantico, but there may be points of divergence. As you say, they're looking out for a very specific narrow interest. But by your argument, which I would tend to agree with, then we should... but we abandon the UDA instantly based on the recommendation of Quantico. So, I'm assuming that the County's moved to a position that it wants to implement that impact concern. So, you know... if we're going to go back to more residences then why wouldn't we re-open the UDA concept?

Mr. Rhodes: I would just submit that I think many people did many things on Boswell's Corner for many different purposes and not simply because of a comment of Quantico.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: I hope my colleague from the George Washington District would accept a correction. I think it's clear the Board has not abandoned the UDA at Boswell's Corner; they're just no longer calling it a UDA.

Mr. Rhodes: Whatever... you know...

Mr. Howard: Well, I think that...

Mr. Hirons: Mr. Chairman?

Mr. Howard: Hold on Mr. Hirons... I think that all good comments, and obviously there is not an exact science to Marine Base Quantico's numbers either and they've signed up for the by-right because, to Mr. Fields' point, the Virginia Code allows by-right to be built with this particular point and we're not in the... you know, we're not here to remove people's property rights. So, I think that's why the recommendation is there. It's a smart recommendation on their part but there's not a science behind it. I know they're very, very concerned about encroachment and the noise abatement issues and other issues involving the operation of that base and they should be because that's what they do and that's their focus. Mr. Hirons?

Mr. Hirons: My quick question for staff was, and it probably may have come from discussion the Board had, where did the 1,700 number come from?

Mr. Johnson: Mr. Hirons, the 1,700 number was developed through the economic analysis. When Mr. Hundley was up here, he mentioned that there was like a 3,300 number. When they did the initial analysis in the case of Boswell's Corner, that was something they suggested just based on the market. Once the market analyses were done in each one of the redevelopment areas, we went back and looked at the existing infrastructure of water, sewer and roads, we looked at what was in the capital improvement program, we looked at what was already being modeled by each of those infrastructure utilities, and tried to adjust those numbers down so that we could get to something that was at least within the spectrum of what was already being looked at in the other 18 elements of the

Planning Commission Minutes
April 20, 2011

Comprehensive Plan, including water and sewer. And that was the number that came out of that process.

Mr. Howard: It's the projected estimated demand that you came up with in the RDA itself on page 37.

Mr. Johnson: That's correct.

Mr. Hirons: A second question for you. A few minutes ago you mentioned basically this up to 1,700 so that continued discussions with the Marine Corps Base that number would be more defined basically I think is what you were getting at. Who's having discussions with Marine Corps Base Quantico about these plans at this point specifically?

Mr. Johnson: I may not know of all of the discussions but I know... I would certainly like to add to the Planning Commission that the communication level between our level of the County and our counterparts at Marine Corps Base Quantico have improved dramatically since when we started this process. It was very difficult to get any sort of information from the base. Now we have Mr. Hundley, we have Mr. Rosewarne and entire environment is much, much better and much more open. As far as current discussions with Quantico, I know that Quantico has just set up a regional executive steering committee at Quantico's direction. That includes... it's more than BRAC; it's just now beginning. They've had one meeting and includes... the executive committee includes Board members from Prince William, Stafford and Fauquier County and the Commander. There's also an associated planning team that's being put together that would be the senior staff from those jurisdictions; they've met once. The planning team is going to be meeting I think next week. So that's one forum where that's taking place. We've also had discussions at staff level with the Commander. I've attended one of those meetings, it was on April 4th, and at that meeting were also the County Administrator, both Deputies, Mr. Neuhard and Mr. Baroody, and Mr. Harvey and myself. And we had a very good exchange with the Colonel and his staff.

Mr. Hirons: And was this Redevelopment Plan a specific topic of discussion during that meeting?

Mr. Johnson: The main topic of discussion for this meeting that we had on the 4th was the residential units and to begin a dialogue, a concept of transferring development rights within and along that boundary that goes across pretty much the entire northern end of the County. That was something that was put on the table for discussion. It was a very preliminary discussion, just exploring ideas and general response of the base and... it was a dialogue, a beginning dialogue.

Mr. Hirons: And at the advisory committee, or the commission that's been developed joint between the base and the surrounding jurisdictions, is there an agenda that exists? Or has it been discussed that our Redevelopment Plan for Boswell's Corner be discussed at that commission at any point?

Mr. Johnson: Not specifically; what they agreed to at their first meeting of the executive committee was they identified some topics for discussion that they want to look into. Right now the base is going through an internal land use study that's being conducted completely inside the base. There is no outside exposure to that study. As the Colonel pointed out at this meeting on the 4th, and at the steering committee meeting, once that internal land use study is completed then we might be able to go forward with a program that's called a Joint Land Use Study that's offered through the Office of Economic Adjustment with the Department of Defense. It's the same group that's funding the BRAC Coordinator. And that study would assist the local governments and the Marine Corps in working

Planning Commission Minutes
April 20, 2011

from the Marine Corps' plan and how the jurisdictions would work together with that. But like I say, this is all just now starting a discussion. So, within that context, I can say yes but not specifically the Master Redevelopment Plan.

Mr. Hirons: Okay. Thank you.

Mrs. Baker: Mr. Chairman, Mr. Hirons, if I may?

Mr. Howard: Yes Mrs. Baker.

Mrs. Baker: The Board of Supervisors' Community and Economic Development Committee has also discussed this and it is their intent to have continued discussions with the base. They stated that at their last meeting.

Mr. Howard: Okay, thank you. Ms. Kirkman?

Ms. Kirkman: Mr. Chair, I'd like to get clarification. Mr. Johnson, what is the exact name of the group that discussed the Transfer of Development Rights?

Mr. Johnson: The exact name of the steering committee?

Ms. Kirkman: So it's... you mentioned several different groups and I was having trouble following what group was doing what. So which is the group that was discussing the Transfer of Development Rights?

Mr. Johnson: That was the Executive Steering Committee, with the Board members from our jurisdictions.

Ms. Kirkman: And it's just called the Executive Steering Committee of what?

Mr. Johnson: If I could call Mr. Hundley up he could probably tell you the exact name of that (inaudible).

Mr. Howard: That's fine. Ms. Kirkman would like to know the exact name so if we can furnish that, we should.

Mr. Johnson: I will probably get it wrong. I know Executive Steering Committee were the key words.

Mr. Howard: I'm sure it fits into an acronym.

Ms. Kirkman: Right. I'm trying to understand these animals.

Mr. Hundley: I think your first question though about which group was discussing the TDR, I think she's talking about your staff that went and spoke to the Colonel at the conference.

Mr. Johnson: It also came up at the steering committee.

Planning Commission Minutes
April 20, 2011

Mr. Hundley: Okay. Well, that one's the Quantico Regional Planning... Executive Planning Steering Committee, is my understanding. We already have a planning portion which is a lower level below that.

Ms. Kirkman: And, that's the group from I think Stafford, it's Supervisors Woodson, Sterling and Dudenhefer, is that right? Or not Dudenhefer...

Mr. Hundley: No, it'll just be Milde.

Mr. Johnson: Yeah, I think it's just Mr. Milde.

Mr. Hundley: Mr. Milde is the representative from Stafford and then we have one from Prince William County and one from Fauquier County. Then we have also...

Mr. Johnson: (Inaudible).

Ms. Kirkman: Which one am I talking about? Which one is that, the one I'm thinking of...?

Mr. Howard: Is that the Quantico Growth Management that Mr. Woodson is on?

Ms. Kirkman: Okay.

Mr. Hundley: Okay, that does not include Fauquier County; just Prince William and Stafford.

Ms. Kirkman: Okay. So this is the Quantico Regional Planning Steering Committee and the representative from Stafford County Board of Supervisors is Mr. Milde.

Mr. Hundley: Yes. And this came out of Colonel Choike's tabletop exercise that he conducted last summer. This is an offshoot of that; the day long exercise that we had on the base.

Mr. Howard: And is it Supervisor Caddigan I think from Prince William County?

Mr. Hundley: Correct.

Mr. Howard: I don't know who the other person is.

Ms. Kirkman: And are those meetings open to the public?

Mr. Hundley: They aren't at this time. They're just... that group to get together to discuss regional issues, land use issues, primarily but also transportation and any other issues of neutral interest to the three counties and the base.

Ms. Kirkman: Alright, thank you.

Mr. Hundley: Okay.

Mr. Howard: Thank you.

Planning Commission Minutes
April 20, 2011

Ms. Kirkman: And then I had a... I needed a clarification from Mr. Zuraf. Mr. Zuraf I asked if Quantico had been given a copy of the Redevelopment Area Ordinance RDA1 and you said no because it was just being changed up until tonight.

Mr. Zuraf: I thought you were talking about... referring to the Ordinance that the Board was discussing yesterday.

Ms. Kirkman: Okay, so I was asking about the Redevelopment Area Ordinance, RDA-1.

Mr. Zuraf: Yes, I believe they have received... you have received that Redevelopment Ordinance, right? RDA-1? Yes.

Ms. Kirkman: Okay, thank you.

Mr. Howard: Great, thank you. Okay we are still in discussion.

Ms. Kirkman: What is the time limit on this Mr. Chair?

Mr. Howard: There is nothing posted Mrs. Baker. Mr. Johnson, would you know the time...?

Mrs. Baker: Give us just a second to look. I believe it is 60 days from the public hearing, but we are going to confirm that.

Ms. Kirkman: No, this... since... the Board...

Mr. Howard: Yes, we were under a different...

Mr. Johnson: Yes, it was 60 days from when the Board recommended it down here, the 60 days is May 1st. That is when the Board is expecting a recommendation.

Mr. Howard: Oh, so we have... tonight is the night.

Ms. Kirkman: Mr. Chair.

Mr. Howard: Actually that came up at the last one.

Ms. Kirkman: In light of the fact that we must make a recommendation tonight or lose our opportunity to do so, and given the ongoing controversy regarding Boswell's Corner, I am going to make a motion that we vote on this document by chapter. In other words, split the question... divide the question.

Mr. Fields: Second.

Mr. Howard: So the motion... second by Mr. Fields. There is a motion on the table to split the question, which would... when you say split the question each RDA would...

Ms. Kirkman: I would suggest we just take it chapter by chapter. There are ten chapters that can go through pretty quickly. I am sure there won't be a lot of discussion around some of the background materials. But I...

Planning Commission Minutes
April 20, 2011

Mr. Howard: So split the question into ten components.

Ms. Kirkman: Right.

Mr. Howard: And seconded by Mr. Fields. Okay. Is there any discussion?

Mrs. Hazard: Yes...

Ms. Kirkman: Mr. Chair, I made that motion because I think there are many elements of this plan that all of us could support but there are clearly elements that some of us can't and I think that would be the best way to proceed.

Mr. Howard: Okay, any other comments?

Mr. Fields: That certainly follows my logic. I mean, because it's a... because of its dynamic and important... it is a good think that Boswell's Corner... that issue is controversial because it means there are a lot of things happening there. But because of that it has just naturally accrued a great deal more complexity and I think we are still sorting through that whereas certainly I would prefer to split the question because Mr. Hirons and I and Mr. Crisp and Mrs. Stimpson worked hard on the Falmouth area plan and I am very, very happy with where that is. That has been transformed from something that I didn't like to something that I like. I would like to vote in the affirmative on that, but I am not quite sure that I can blanketly affirm this entire document as it sits right now.

Mr. Howard: Okay, Mrs. Hazard?

Mrs. Hazard: Yes, and I am not sure I am going to make a substitute or not, but I do believe it breaks down. Having looks at other Comprehensive Plans, many times certain areas are grouped together as they are voted. Certain areas about a county... and it seems here that there is a general master plan... I mean, excuse me, general redevelopment plan, that are Volumes I, VIII, X and IX. Courthouse is Volume III and Volume VII. I am trying to figure out if there is a way we can vote on them sort of by area and in general so that... and have Boswell's as Volume II and the portions of Volume VII that only relate to Boswell's. Like I said, I am not sure I am thinking of a substitute, but it does seem like there is a way to group those together that go to each specific are, for discussion at least.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: The reason why I suggested we just go through it one through ten, it might take longer to figure out how to group them then to actually go through it one by one. But I am open to however, just so long as there is an opportunity to divide out the question on particularly Boswell's Corner.

Mr. Howard: Any other comments from anyone? Okay I will oppose the motion. I am not in favor of splitting. I completely understand though the rational that was explained by Ms. Kirkman and Mr. Fields. And Mrs. Hazard's willingness to try and divide it a little bit easier. I do think it is a redevelopment plan for the county. I think it is conceptual. I think we will make several changes to this as the future years unfold in Stafford County as we update and modify the Comprehensive Plan as

Planning Commission Minutes
April 20, 2011

we move forward. So there has been an awful lot of work done on this and I would like to see it advance intact. So that is my thoughts. Any other comments?

Mr. Mitchell: Mr. Chairman?

Mr. Howard: Mr. Mitchell?

Mr. Mitchell: Mr. Chairman, I will be opposing the motion also. This plan is conceptual it has been in the making for years and years and years. I have served on three different committees involved with the new proposal. Is it perfect? No. Is any plan perfect? The answer is no. It is conceptual we still have time to send it to the Board. There is still time to make changes and that could reflect a very good document. But I think we need to go ahead and make a push ahead and get this on the road. It has been too many years in the making. I sat upstairs with Pete Fields and a number of other people many years ago on a Saturday morning, and the room was full of people. They said yes we will have this in 18 months and that wasn't even close. So in the interest of making something happen I will not be supporting the motion.

Mr. Howard: Okay.

Mr. Hirons: Mr. Chairman.

Mr. Howard: Mr. Hirons?

Mr. Hirons: Actually I have a question. What is the current residential component of Boswell's Corner in relation to the R11-92 sent to us by the Board?

Mr. Howard: It seems to me to be the same, seventeen hundred. On page 37 you will find in Boswell's Corner that the projected build out is 1,700 in the Resolution that was read by Mr. Johnson. He used that same number.

Mr. Hirons: With that, I am going to support the resolution. However I reserve the right to make a decision per Chapter.

Mr. Howard: Sure, understood.

Mr. Rhodes: Mr. Chairman, given that even on page 37 with the proposed master plan and the estimated demands and the way the numbers are raised there is no fixed requirement, no absolute, it just entails flexibility. We have seen this multiple times. You came back with the entire package in March last year and we started tearing it apart again and reworking all the pieces. We have addressed these things over and over again. To now say its super complicated and super problematic is just... it will never end and I would not be in support. I think we just need to move it forward and get things moving forward instead of continuing to keep churn over them.

Mr. Howard: Okay, thank you. Alright, everyone has had a chance to comment. I will now call for the vote. All those in favor of Ms. Kirkman's motion signify by saying aye.

Mr. Fields: Aye.

Planning Commission Minutes
April 20, 2011

Mrs. Hazard: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Opposed nay?

Mr. Rhodes: Nay.

Mr. Mitchell: Nay.

Mr. Howard: Nay. I will have to poll. Mr. Fields?

Mr. Fields: Aye.

Mr. Howard: Mrs. Hazard?

Mrs. Hazard: Aye.

Mr. Howard: Mr. Rhodes?

Mr. Rhodes: Nay.

Mr. Howard: Mr. Howard was nay. Mr. Mitchell?

Mr. Mitchell: Nay.

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: Aye.

Mr. Howard: Mr. Hirons?

Mr. Hirons: Aye.

Mr. Howard: Okay, motion passed 4 to 3.

Mr. Rhodes: Volume I. They are not Chapters, they are Volumes.

Mr. Howard: Well, volume, you are right. So Ms. Kirkman, there are ten volumes?

Mr. Rhodes: Yes.

Mr. Howard: Is that your motion? Okay.

Ms. Kirkman: They are actually listed on page 4 of the staff memo, under summary of the plan.

Planning Commission Minutes
April 20, 2011

Mr. Howard: Okay.

Mr. Rhodes: So how do we break out Volume I which refers to the Volume II but maybe not pass the Volume II?

Mr. Howard: That was Mrs. Hazard's point.

Mr. Rhodes: Yes, so do we have to do Volume II, III, IV and V first to see if those stay in and then we go back to I? Or maybe VI because that is for Falmouth, before we do the Falmouth one that is IV... what is the master plan here?

Ms. Kirkman: Mr. Chair since my colleague is having a little trouble processing this, what I would suggest...

Mr. Rhodes: No trouble processing it. They are all inter-related.

Ms. Kirkman: Mr. Chairman, I had the floor. I would like to continue uninterrupted.

Mr. Howard: Well, I didn't recognize you, but you do have the floor. Go ahead.

Ms. Kirkman: Mr. Chair, what I would suggest is we vote on Volume II regarding Boswell's Corner first and that may make any other question moot, depending on the result of that vote. So with that in mind, Mr. Chair I make a motion that the Planning Commission recommend denial of Volume II, Boswell's Corner.

Mr. Fields: Second.

Mr. Howard: Discussion?

Ms. Kirkman: Mr. Chair I made the recommendation because of the ongoing controversy regarding Boswell's Corner. I am particularly troubled by the Board's decision to... apparently contradictory decision to say they are not going to put a UDA in Boswell's Corner and then to send us a figure last night of seventeen hundred units which puts right back in UDA world. I am also concerned about the future of the Crystal Park Trailer residents. I don't believe that it has been made clear to them what this plan entails. I am also somewhat concerned, although it is not my primary concern, about the accuracy of the projections given that they are based on 2006 data. But my primary concerns regarding Boswell's Corner are the residential units and the future of the Crystal Lake Trailer Park.

Mr. Howard: Thank you. Mr. Fields, you have the second comments.

Mr. Fields: My concerns primarily follow along that line. If we are going to... it seems to me primarily that we still are yet to come to a consensus, and I know people have worked hard on this and I know it is long. I would just offer, I am not trying to pat myself on the back but or pat Mr. Hirons on the back at the same time, but I mean we had concerns with Falmouth that were to me serious because they showed things physically on a map, even though they were notional, even though they were conceptual, that I felt were when you start putting things on paper and images you do get balls rolling. So when you articulate those things you either need to not articulate them or if there is in my mind an unresolved issue then you can't move forward with authenticating them. And I understand that they

Planning Commission Minutes
April 20, 2011

are conceptual and I understand that things will change and evolve. But for the same reasons that I... that we worked, I think, to modify the Falmouth plan I would say the Boswell's Corner plan because there has been an ongoing evolution and change of opinion and perspective and things on it. I don't think we can pass it yet. That is okay, maybe in another couple of months we will move it on fine. I would like to hold up on that and move forward the rest of it. So that is why I am moving that way.

Mr. Howard: Thank you.

Mr. Rhodes: Mr. Chairman?

Mr. Howard: Mr. Rhodes?

Mr. Rhodes: First off, given that it is all related, I don't know how you move not move forward on one portion and move forward on the others. And I do agree that there was great work done on the Falmouth RDA and the efforts and the invested time and they did that and that could have been done on any other section. To come here at the end game and start pulling out pieces, I just don't think makes sense. It is conceptual, there is no direction to tear up any areas, there is no direction to run out and build 1,700 units. It provides a flexibility for the County as they are going forward as a generalized concept, as a generalized idea of how one might redevelop an area. There are so many variables that it can't tie and limit us. I will not support the proposal that is on the floor. We need to go forward with all of these together. We will never move forward. We are just paralysis by picking apart little sub pieces of these elements. I don't agree that there is a major issue... major concern. I also don't believe that there are many conspiracies. I don't make the assumptions, and I don't try to incite what everybody is trying to do with their decisions and I will not support this.

Mr. Howard: Thank you. Mr. Mitchell.

Mr. Mitchell: Mr. Chairman, I will not support it also. These 1,700 are not mandated, they are not mandated. It is a conceptual number. The Board of Supervisors will take our recommendation and they can pare it down, they can make changes to it, they can lower it but they can't increase it. So the thing that I see here is that this thing has been five plus years in the making. Dragging it another two or three months, or four months is just putting misery into misery. I think we need to move on with the program. This Planning Commission has plenty to work on that we have no lack of work. We have other issues coming up. We need to keep moving ahead, and splitting this is not moving ahead.

Mr. Howard: Thank you. Mrs. Hazard?

Mrs. Hazard: I think that it is progress that we are moving it forward so I do think that we are certainly recognizing the work that we have done. I do have concerns about Boswell's and I agree with my fellow Commissioners. This is conceptual but it is a conceptual plan with a number that says 1,700. That we have received lots of comments even between our fellow Boards and Commissions of what that number really means. And even if we are unclear on it and... I mean we have gone back and forth on this. I would like to make sure... I would like to make sure the Marine Corps Base feels comfortable. I do understand dividing it up, I believe at least many of these are ready to go if not all, except the Boswell's Corner and the related portion about Boswell's Corner. So I am very happy putting forward a great concept and waiting to make sure that we have Boswell's correct.

Mr. Howard: Mr. Hiron.

Planning Commission Minutes
April 20, 2011

Mr. Hirons: I hope my fellow Planning Commissioners come to the table with as open mind as I do on most issues. I have a lot of concerns with Boswell's. My biggest concern is I think there has been a lot of lack of communication with the Marine Corps Base with Boswell's Corner. I want to thank Mr. Fields for giving me a lot of credit for hard work on the Falmouth plan, but quite honestly it was an hour and a half meeting compared to an awful lot of work that went into this entire process long before I was serving on this Commission. I think Mr. Johnson said there were 51 public meetings or public input opportunities, so obviously this has been a long process developing this. I don't necessarily oppose the Boswell's Corner and there has been a lot of public input on it. I have to abstain from this vote. I can't support it, I can't oppose it. I can't put on the burden of the county all the work that has gone in and for it to be further delayed on my vote and that went through a process for a long time before I was on this Commission, so I am going to abstain from the vote on this motion.

Mr. Howard: Okay, my comments are as follows. The Marine Corps Base Quantico I think has been overly communicated to. In the last two years with Mr. Hundley's addition and you heard Mr. Johnson say this, the communication back and forth has been very, very good and very positive in terms of people talking and communicating. It is my recollection at several meeting and having conversations that Marine Corps Base Quantico is not opposed to developing residential units in the Boswell's area. They would like to see it stay a by-right; they recognize that might not be possible. They also recognize that there might be different types of housing... dwellings units that could be different mixed use components. And that was a big discussion in the last few months with Quantico. And they seemed to support that recognizing that could change the density in terms of housing units. So to not allow the County to have the opportunity in their RDA development here, which ultimately goes into the Comprehensive Plan, to at least have the opportunity and quote the leverage to try and have up to seventeen hundred units available, which could in the future allow some additional funding to come our way from the Feds because we have up to seventeen hundred units that we believe could be built. It gives the County leverage that it would not have if this moves forward with a limited number of dwelling units. So I think... I appreciate everyone's comments and everyone has their opinion, you are entitled to it. And if there are no more comments I will call for the...

Ms. Kirkman: Mr. Chair, this is my district and I do have a final comment. The reason why it is so important why we get this right is as has been pointed out to us, right now the economic development around Quantico is the bright spot in our economic development efforts. And Quantico is the engine in that, it is driving that growth. And that by failing to follow their recommendations regarding the encroachment control plan, I believe we are presenting a risk to that economic engine in the future and quite frankly I am surprised at the position of some of my colleagues given that we have heard speech after speech from some of them about how they would never vote for any increased residential density in Boswell's Corner because Quantico has said they don't want it. So really I think this is a grave mistake to move forward with this without getting it right and without having the consent of Quantico.

Mr. Rhodes: Mr. Chairman?

Mr. Howard: Yes, Mr. Rhodes.

Mr. Rhodes: I don't know when we are going to start running the entire county based on what Quantico desires or not and I am probably the greatest military supporter there is given that has been my entire...

Mr. Howard: Well, I think everyone here is supportive of the military.

Planning Commission Minutes
April 20, 2011

Mr. Rhodes: But the fact of it is we are making the assumption that the way you construct will still be problematic. There are different ways to construct different areas and different facilities. I mean you can harden, you can strengthen, you can soundproof, you can do many things. So if that is the best combination in a small section in an area... this is not physical encroachment issues. I have seen that all over at military bases and stations. That is not what it is, it is a sound encroachment and they are concerned about sound becoming an issue and that building and manifesting itself and problems that it will cause them later but you can construct around that. I just don't think we need to vote out any flexibilities that are in our planning constructs. Thank you Mr. Chairman.

Mr. Howard: Thank you. Okay, I will call for the vote. All those in favor of the motion, which to remind everyone is to eliminate the Boswell's Corner RDA...

Ms. Kirkman: It is not to eliminate it; it is to recommend denial of the plan at this point in time.

Mr. Howard: Recommend denial of the plan at this time.

Mr. Fields: Volume II of the plan.

Ms. Kirkman: Volume II.

Mr. Howard: Signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Ms. Kirkman: Aye.

Mr. Howard: Opposed nay?

Mr. Rhodes: Nay.

Mr. Mitchell: Nay.

Mr. Howard: Nay. I have to poll again. Mr. Fields?

Mr. Fields: Aye.

Mr. Howard: Mrs. Hazard?

Mrs. Hazard: Aye.

Mr. Howard: Mr. Rhodes?

Mr. Rhodes: Nay.

Mr. Howard: Mr. Howard was nay. Mr. Mitchell?

Planning Commission Minutes
April 20, 2011

Mr. Mitchell: Mr. Mitchell is nay.

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: Aye.

Mr. Howard: Okay, so we have a tie.

Mr. Hirons: For the record Mr. Hirons did abstain.

Mr. Howard: And there was one abstention. So the motion does not carry. Okay, next...

Ms. Kirkman: I think you may need some guidance from the County Attorney at this point.

Mr. Howard: Motion does not carry. Mr. Attorney, Mr. Smith.

Mr. Smith: Yes, Ms. Kirkman and Mr. Chairman, under your by-laws any matter on which there is a tie vote shall fail to be approved.

Ms. Kirkman: So there is no action on Volume II. Because an affirmative motion would need to be made and I am assuming vote.

Mr. Rhodes: Mr. Chairman I make a motion for approval of Volume II.

Mr. Howard: Second. Any discussion? Mr. Rhodes?

Mr. Rhodes: No more discussion.

Mr. Howard: I will hold my discussion. Any other discussion?

Mr. Hirons: Mr. Chairman with my concerns that were previously discussed on the record, I am going to support this motion. We have to get moving forward and this is moving it forward appropriately.

Mr. Howard: Okay. All those in favor of the motion on the table which is now to recommend approval for Volume II or Chapter II, I think... no, Volume II, which is Boswell's Corner signify by saying aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay?

Mr. Fields: Nay.

Mrs. Hazard: Nay

Planning Commission Minutes
April 20, 2011

Ms. Kirkman: Nay.

Mr. Howard: The motion carries 4 to 3. Is that correct? Okay. Alright.

Mr. Rhodes: Mr. Chairman, I make a motion for approval of Volume I.

Mr. Mitchell: I second the motion.

Mrs. Hazard: Second.

Mr. Mitchell: I second the motion.

Mr. Hirons: Mr. Chairman?

Mr. Howard: Discussion?

Mr. Hirons: I would ask if it would be appropriate or parliamentarily acceptable to include the remainder of the Redevelopment Plan in this motion.

Mr. Rhodes: I am happy to modify my motion to be Volumes I through X, with the exception of II since it has already been addressed.

Mr. Howard: Does the seconder agree?

Mr. Mitchell: The seconder agrees.

Mr. Howard: Alright, so that is changing the original motion which is allowable. Is there discussion?

Mr. Rhodes: None here.

Mr. Howard: From any Commissioner? No?

Ms. Kirkman: Mr. Chair, I am going to oppose the motion because of the references in the Chapters to Boswell's Corner.

Mr. Howard: Okay, thank you. Alright hearing no other discussion I will call for the vote. All those in favor of recommending approval for the remaining Master Redevelopment Plan, which is sections I through X excluding II because that was already voted on, signify by saying aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay?

***Planning Commission Minutes
April 20, 2011***

Mr. Fields: Nay.

Ms. Kirkman: Nay.

Mr. Howard: The motion carries 5 to 2. Thank you very much everybody. You were very respectful towards one another and that is always a good thing. We can now go back to item number 9, which is Wetlands Mitigation Bank. We were under... no actually we have to go back to item 4... item 3, I'm sorry. We had voted to... Mr. Fields made a motion, we voted to move item 3 to after the public hearing which would take place right now. And that was unanimous because we wanted Ms. Kirkman here so she could have her... I know she was working hard on this.

Mr. Zuraf: Mr. Chairman?

Mr. Howard: Mr. Zuraf.

3. ***RDA-1 Zoning District (Time Limit: May 31, 2011) (Deferred at April 6, 2011 Meeting to April 20, 2011 Meeting)
(Authorize for Public Hearing by: April 20, 2011)
(Potential Public Hearing Date: May 18, 2011)***

Mr. Zuraf: Item 3 is the Redevelopment Area Ordinance, RDA-1 Redevelopment Area one that applies to Boswell's Corner as has already been mentioned we got additional direction from the Board yesterday on the number of units recommended in this area. That being up to 1,700 units and so I am going to turn it back to you all if you want to somehow incorporate that into the ordinance. We did I think hand out some possible language for you to consider. If you do choose to move forward with this ordinance as written you may want to consider maybe providing language that would establish a cap on the number of units that could occur in the area defined by the redevelopment area of Boswell's Corner under this zoning district at 1,700. That would apply to all future and existing residential units. It is a small one page sheet.

Mr. Howard: Did you hand that out this evening?

Mr. Zuraf: I think it was handed out.

Mr. Rhodes: I missed it.

Mr. Zuraf: It was probably jumbled up in your piles.

Mr. Rhodes: Right here, thank you.

Mr. Howard: I have it.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Ms. Kirkman, I know this is in your magisterial district.

Ms. Kirkman: I believe we have to make a decision regarding sending it to public hearing tonight. Is that correct Mr. Attorney?

Planning Commission Minutes
April 20, 2011

Mr. Howard: Yes.

Mr. Zuraf: Yes.

Ms. Kirkman: Staff?

Mr. Zuraf: Yes.

Mr. Howard: Mrs. Baker, that is correct? Yes?

Mrs. Baker: Yes.

Mr. Zuraf: Yes.

Mr. Howard: Thank you Mr. Zuraf.

Ms. Kirkman: Mr. Chair, I am sure as can be it is quite clear from the preceding discussion, I am opposed to any addition of new units... residential units to the Boswell's Corner until we reach agreement with Quantico about what that looks like. I think it is premature and I think we are kicking our economic engine worse in the mouth by doing so. I'm particularly concerned about this ordinance because it allows for residential densities of up to 18 units per acre, which is more than four times greater than what we've got in our Urban Development Areas. So if it walks like a UDA and it talks like a UDA it probably is a UDA. And so I am particularly concerned about... I am saying this is an RDA ordinance when clearly it is designed to develop an urban development area. With that in mind, my motion is to move forward ordinance O11-14, RDA-1 Redevelopment Area with all references to residential units removed so that it becomes an ordinance regarding commercial development in the Boswell's Corner area.

Mr. Fields: Second.

Mr. Howard: Okay, any other discussion?

Mr. Fields: I think the added... My concern with the addition of units, you know this is a... it's frustrating to me because you know I have always thought in the first place that we ought to be putting... people should be living where they work. That is the most significant thing that we can do to improve the quality of life in Stafford County, is to have people live within very short distances walking, biking, even short bus rides or even short automobile rides to work verses spread out (a) over the county or (b) in the reality spread out over the Washington Metropolitan area as we are now. So it is frustrating to me to be in some ways opposing this, but the problem is that we allocated or at least, you know, the vote has been to allocate these UDA densities to other places in the county. So we were forced by that ordinance to at least plan for adding 14,000 blah, blah, blah, however many units above the by-right development of the county; which has already got a lot of units in it. That is a concern, but there was a code that we were... that that is the statute of Virginia. Now we are starting before the ink is barely dry on that and we are adding a thousand units on top of that. My concern about why this should be a UDA is that if we were going to indeed return to an idea, which I think is the best idea, to have the jobs created at Boswell's Corner also have people who work there live there then we need to subtract that 1,700 units from the existing UDAs to get back on track to what is I felt was the original purpose of the UDAs. Now right now we are suddenly adding after adding 14,600

Planning Commission Minutes
April 20, 2011

and some units to the county's potential build-out, now we have just added another thousand. I don't think that's wise in a county that is already over zoned for demand and so I don't... I wish we could resolve that it we could just make it a UDA and subtract the numbers from the UDAs that have suburban... lower densities suburban style development I would be a very happy guy. Probably is not going to happen but that is where I am coming from.

Mr. Howard: Thank you. Any other comments? I know Mr. Rhodes, you wanted some clarification on the motion.

Mr. Rhodes: Could we just repeat what we motioned? I did not quite follow it.

Ms. Kirkman: My motion is to move forward RDA... the ordinance O11-14, Redevelopment Area Ordinance, RDA-1 Redevelopment Area 1 Boswell's Corner with all references to residential units removed. So that this essentially becomes an ordinance regarding commercial development in Boswell's Corner.

Mr. Howard: Any other comment Mr. Rhodes?

Mr. Rhodes: Yes, I will not support that motion. It is not consistent with what we just did in the Master Redevelopment Plan in my mind. Actually though I say I am a little contradictory in that, I agree with a lot of the things Mr. Fields just mentioned, and that is the logical place for it. I think we need to balance it in a smart and wise way to insure we don't complicate life for Quantico but I think we should keep that flexibility in there so the fact that it is not in as a UDA or as a small UDA. I understand all those points and agree with you there, in that regard. But there is too much logic to having some development there, near where so many people are moving to work. Actually quite conveniently close to the forms of mass transit that are both at Quantico, at the rail and I-95. So I think we should keep that flexibility and just limiting its use to whatever is the best balance of Quantico's long term requirements and the County's long term requirements. So I won't support the removal of those. Thank you.

Mr. Howard: Any other comments. Mr. Mitchell.

Mr. Mitchell: Mr. Chairman, I will not be supporting Ms. Kirkman's motion either. Striking out the housing completely and send everything else forward is degutting it. People will move and people will make changes and I think there is a balance. I think there is a good balance; I do not see people rushing to the bank to get house loans to put their house right up by Quantico. So I think it is not a wise move to send this thing up all cut apart. Thank you sir.

Mr. Howard: Thank you. Any other comments? Well like Mr. Rhodes I think we have to strike a balance as a county. I don't think there is a true intent to build 1,700 or more dwelling units in Boswell's Corner. I do however think it gives the county a little bit of leeway than just the by-right comments that I know have been thrown around. We have to have a little bit of leverage as a county to get some help from the Federal Government and Quantico is a great neighbor. I do believe they are the engine that drives a huge part of the economy here is Stafford. I do believe that will continue and we are not attempting at all to try and circumvent that from continuing. But to not have this ordinance or this proposed redevelopment area zoning district include residential I think is a huge mistake, so I won't be supporting that either. Okay, I will call for the vote. All those in favor of removing the residential component from ordinance O11-14 signify by saying aye.

Planning Commission Minutes
April 20, 2011

Mr. Fields: Aye.

Ms. Kirkman: Aye.

Mr. Howard: Opposed nay?

Mrs. Hazard: Nay.

Mr. Rhodes: Nay.

Mr. Mitchell: Nay.

Mr. Hirons: Nay.

Mr. Howard: Nay. Okay. I think...

Mr. Hirons: Mr. Chairman?

Mr. Howard: Mr. Hirons?

Mr. Hirons: Oh, go ahead and report the vote.

Mr. Howard: I'm not sure, I think it was 4 to 3 or it might have been 5 to 2. I have to poll. Mr. Fields?

Mr. Fields: Aye.

Mr. Howard: We need a little light on there.

Mr. Fields: Yes, we need a light.

Mr. Howard: Mrs. Hazard?

Mrs. Hazard: Nay.

Mr. Howard: Okay, Mr. Rhodes?

Mr. Rhodes: Nay.

Mr. Howard: That was a nay for Mr. Howard.

Mr. Mitchell: Mr. Mitchell was nay.

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: Aye.

Mr. Howard: And...

Planning Commission Minutes
April 20, 2011

Mr. Hirons: Nay.

Mr. Howard: Nay, okay so it was 5 to 2, did not pass. Mr. Hirons, I'm sorry.

Mr. Hirons: Mr. Chairman, I was going to make a motion to move RDA-1, Redevelopment Area 1 Boswell's Corner to public hearing as printed.

Mr. Mitchell: I second the motion.

Mr. Howard: Alright, for clarification is that with the recommendation from staff or is that excluding that?

Mr. Hirons: With the recommendation from staff, I apologize.

Mr. Mitchell: The seconder accepts the recommendation from staff.

Mr. Howard: Discussion?

Ms. Kirkman: Is that...for clarification purposes given the lower densities, the lowered number from 3,300 to 1,700, does that continue to include the recommendation for up to 18 units per acre?

Mr. Hirons: I don't believe the staff recommendation addressed that.

Mr. Zuraf: Those densities that you referenced remain. So the only change is adding that cap.

Ms. Kirkman: I actually wanted clarification from the motion maker.

Mr. Zuraf: Oh.

Ms. Kirkman: Was his thinking that with the lowered cap that that level of residential... dense residential density was still needed?

Mr. Zuraf: Sorry.

Mr. Howard: An answer?

Mr. Hirons: Yes.

Mr. Howard: So, any other discussion? All those in favor of the motion on the table signify by saying aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Planning Commission Minutes
April 20, 2011

Mr. Howard: Aye. Opposed nay?

Mr. Fields: Nay.

Ms. Kirkman: Nay.

Mr. Howard: The motion carries 5 to 2. Thank you very much. Thank you for waiting and indulging our changes on the agenda as well Mr. Zuraf. We are on number 9 right now, Wetlands Mitigation Bank.

9. ***Wetlands Mitigation Bank (Time Limit: July 4, 2011)***

Mrs. Baker: Please recognize Mike Lott.

Mr. Lott: Good evening Mr. Chairman and members of the Planning Commission. My name is Mike Lott; I am an environmental planner with the Department of Planning and Zoning. And I am here to speak with you this evening about the proposed zoning ordinance O11-26, which would amend Stafford County Code Table of Uses and Standards to allow a wetland mitigation bank as an allowed use for the A-1, Agricultural District. In addition, a definition of a wetland bank would be provided in Section 28-25, the definition of specific terms. The Board referred this ordinance to the Planning Commission at their April 5, 2011 meeting. The proposed zoning amendments are the result of a request submitted by Robert Prout, with the firm Hunton and Williams, who represent a group interested in establishing a wetland mitigation bank in Stafford County. As described in the memo provided to you a wetland mitigation bank is a wetland, stream or other aquatic resource area that has been restored, established, enhanced or preserved for the purpose of providing compensation for unavoidable impacts to wetland resources that occur during a development and are permitted by the Army Corps of Engineers and the Virginia Department of Environmental Quality. To meet the goal of no net loss of wetlands as required by the regulatory agencies, typically greater than 80% of the banks credits must come from wetland or stream restoration or enhancement rather than from the preservation of existing wetland resources. Currently there are no wetland mitigation banks within Stafford County. And as a result when development impacts wetlands within the county and credits are required to be purchased, those credits are purchased within the watershed but outside of Stafford County. Nearby localities handle this issue in different ways, for example Spotsylvania County allows wetland banks in all the zoning districts, but requires a conditional use permit. Loudoun County allows wetland banks as a by-right use within a number of their rural zoning districts. Both Culpeper and King George Counties have established wetland banks and have not addressed wetland banks in their zoning ordinance. I called and talked to several... a planning in each of those two counties and was told they view wetland banks as being compatible with agricultural uses and just treated then as a by-right activity within agricultural zone. They both told me that basically the county viewed that the water quality benefits resulting from the wetland stream restoration in conservation easements were beneficial to those counties. In each of those cases they did require grading plans, etcetera, for grading work that was done for the restoration and that would also be required here in Stafford County. Do you have any questions?

Mr. Howard: Thank you. Are you new?

Mr. Lott: No, I've been here almost five years.

Planning Commission Minutes
April 20, 2011

Ms. Kirkman: He's been...

Mr. Howard: How come you never...

Ms. Kirkman: ...around for many years.

Mr. Howard: Where have you been?

Mr. Lott: Amber seems to be up here more often than I am.

Mr. Howard: Okay. Any questions for staff?

Ms. Kirkman: I actually have some questions for the attorney.

Mr. Howard: Sure.

Ms. Kirkman: Mike won't be able to help with.

Mr. Lott: Not if they are related to...

Ms. Kirkman: This was brought to us under this petitioning process. Mr. Leming also brought to us the changes in the TND on behalf of Horton and the UDA on Eskimo Hill Road. And I had asked for further information about that process and what our ordinance recognizes around petitioners. I did not see that in our packet.

Mr. Howard: We covered that earlier.

Mr. Fields: We actually had that discussion, sorry.

Ms. Kirkman: I'm sorry I missed it. Would you mind just briefly summarizing it?

Mr. Smith: Yes, Ms. Kirkman. Under the Stafford County Zoning Ordinance the County Code expressly provides for initiation of a zoning ordinance amendment, a zoning text amendment by the Board or the Planning Commission. It does not specifically mention a private party requesting a zoning text amendment. The State Code provides for initiation of a zoning ordinance amendment by the Board, by the Planning Commission or by a private party. And my understanding is that because our code does not expressly provide for private party initiating an amendment, that what the Board has done historically is initiate the amendment, begin the process on behalf of the private party. And that appears to be what has happened in both the situation earlier this evening with the T-1 Transect Zone proposed amendment and this particular proposed amendment.

Ms. Kirkman: And who is the private that Hunton and Williams is doing this on behalf of?

Mr. Lott: They are called... it's a wetland mitigation banking firm. They have the one in King George County, as well as the one in Culpeper County. They are called Falling Springs LLC.

Mr. Rhodes: Mr. Chairman.

Planning Commission Minutes
April 20, 2011

Mr. Howard: Can you spell that Mike?

Mr. Lott: Falling Springs?

Mr. Howard: Falling, are you saying?

Mr. Lott: Yes literally falling, F-a-l-l-i-n-g Springs.

Mr. Howard: Okay.

Ms. Kirkman: You know I did think a bit about this and you know a number of years ago the Board of Supervisors authorized the purchase of Crow's Nest and paid actually above market value for each acre including a number of acres of wetlands. And I was thinking that it would be nice if we could find a way to craft this ordinance so that the first priority for establishment of the wetlands bank is actually on that... I don't know if it is jointly owned or owned by the State now, properties so that there could be some way to recoup the \$10 million plus interest that the county tax payers paid for that property. And so I was wondering if there was some way that staff and the County Attorney could get together to look at how we could structure this ordinance so that we could have a wetlands bank here in the County and at the same time recover that money that was paid for the wetlands on Crow's Nest.

Mr. Smith: Ms. Kirkman, the only thing I can add at this time on that subject, I believe there are State Code provisions about a locality operating a wetlands mitigation bank itself. I will have to look into those further. I am just generally aware of that. And my second thought would be we will have to look into the Corps opinion or position on requiring wetland mitigation from a particular site verses from any bank that qualifies.

Ms. Kirkman: Well I'm sure you couldn't do it as a particular site but I don't know if there is a way to structure it as a public utility owned and operated... I don't know what the solution would be, but I think it might present a nice opportunity to recoup those millions of dollars the tax payers have put into that.

Mr. Howard: On the surface it sounds very good.

Mr. Lott: I can speak a little bit to it.

Mr. Fields: Mr. Chair. I would like to comment in order to facilitate that, which I think is an excellent idea. Right off the bat, right now the proposed amendment only applies to A-1. I believe Crow's Nest is still zoned all A-2 as the underlying zoning district.

Ms. Kirkman: I think a lot of the... I would have to double check but I think a lot of that property was A-1. We would have to look.

Mr. Field: Okay.

Ms. Kirkman: We would have to look into it.

Mrs. Baker: All of Crow's Nest is A-2.

Planning Commission Minutes
April 20, 2011

Ms. Kirkman: No because like...

Mr. Fields: That is like 3,000 acres of A-2.

Mr. Lott: Yes. I think the issue...

Ms. Kirkman: I think there is a combination, but anyhow regardless we were given permission to restructure this ordinance and there may be a way to do that. What were you saying?

Mr. Lott: The only concern I would have in this, the Army Corps of Engineers likes to have mitigation banks to go on sites that are degraded. Like I was saying 80% of the credits the bank can generate have to come from restoring or enhancing already degraded wetlands. Which is why the almost always are built on old farms because historically those farms have degraded the streams and the wetlands over the centuries. Or as Crow's Nest is about as pristine as you are going to find certainly in Stafford County and pretty much coastal Virginia. So really the only credits you could generate from that would be preservation credits and they're probably going to say that it's preserved now as a natural area preserve. So it may be a hard sell. That is all I can say.

Mr. Howard: It's really a good point though Ms. Kirkman. I mean, so it does bade the question though are there parts of Crow's Nest...

Ms. Kirkman: Right.

Mr. Howard: ... that are not pristine, that if we were to add the A-2 agricultural component to this, would that help, you know, in the future? I don't know what the answer is.

Mr. Lott: I don't know either.

Mr. Howard: It's certainly a good question.

Mr. Fields: Certainly given the excellent point about Crow's Nest and just in general A-2, I think we would want to include A-2 even in respect of that as we move forward because A-2 is an odd zoning kind of an orphan zoning that keep cropping up in the oddest places in the county. Yes a few times and so I would not want to exclude A-2 from the... very little farms, but you never know. I would have to look at a zoning map but it is always surprising where A-2 keep suddenly coming into existence. So we might want to do it just to be thorough.

Mr. Howard: Alright, so why don't we move this to unfinished business on the agenda for the next meeting and then hopefully there is enough time to come back with some of the answers. We don't have to do anything tonight with it. Thank you Mr. Lott, it was very nice meeting you.

Mrs. Baker: Mr. Chairman?

Mr. Howard: Mrs. Baker.

Mrs. Baker: I just wanted to point out a handout that you all received tonight from the Commissioner of the Revenue. At the last meeting Ms. Kirkman did bring up an issue about...

Planning Commission Minutes
April 20, 2011

Mr. Howard: Evaluation and...

Mrs. Baker: ... evaluation and assessment. So I just wanted to let you know that was...

Ms. Kirkman: So I just want to make sure I understand this memo correctly. What Scott Mayausky has said is that it won't lead to any increase in the value of the property even though it's the characteristics of the property that lead to the credits that are sold and that the landowner profits off of. Is that?

Mrs. Baker: I am going to let Mr. Lott address that. He spoke with Mr. Mayausky today.

Mr. Lott: From our conversations with Mr. Mayausky and several of his assessors, they were bantering back and forth how we could maybe handle that. Look at... before... usually you are looking at all A-1 property and now if this was a by-right activity I think what the conclusion was that every individual properties potential as a mitigation bank is unique and there would be no uniform way to apply some kind of standard that we would arbitrarily raise property taxes because now A-1 property could have a mitigation bank. In reality there are probably only a dozen parcels... individual parcels in the county that may work as a mitigation bank that would be attractive to a developer of a mitigation bank. So I think that was part of why... you know it would take a lot of research for them to go out and examine every piece of property and individually look at it as a mitigation banking site. I think that was primarily why they didn't. They threw around other ideas and how to deal with it after a mitigation bank was created, but as he tries to explain in the memo about once those credits become a commodity. And I think he is going to talk with other jurisdictions about they handle that. They talked to someone in Prince William and they are not adjusting their property taxes in any way to deal with mitigation banks, they just could not figure out how.

Ms. Kirkman: And actually you said something that might be helpful for us to hear more about and you were talking about the characteristics that make a property suitable for... what are some of the things that are looked at in terms of suitability?

Mr. Lott: For example the farm that this mitigation bank is looking at, looking back at the photos of that site since the 1930's a large section of Potomac Run goes across this farm. There have not been any trees adjacent to that stream since 1937. It has had a lot of erosion and gulling because it get a lot of intense flash flows of water now. There are three other perennial streams that cross that property that are in degraded condition. So whatever wetlands... you know what ever forested wetlands that were originally there are gone so it offers a lot of potential for, over a mile of stream restoration. As well as essentially restoring the forested buffer along the entire reach of stream. It is primarily going to be stream mitigation bank but I think they are going to create wetland credits as well, but it will primarily be a stream bank. That is really what they are looking for is sites that have been so degraded that it is of value to go in and restore them. I think originally when I started this job the Army Corps of Engineers primarily liked onsite mitigation as opposed to buying credits from a bank. But they were finding that these essentially weren't working, they were failing over time because by the time you get the developer to follow these things over 10 years, over time and they are often being restored in an area that is being developed so they are hard to manage. I think they have gone to this idea of mitigation banks more intensely because I think they are easier for them to follow over time and manage.

Planning Commission Minutes
April 20, 2011

Ms. Kirkman: So let me get this straight. What makes a good wetlands mitigation bank is a stream that has been destroyed. So you can make money off of a stream that has been destroyed but not one that has been preserved. That seems kind of perverse.

Mr. Lott: I know it seems odd but what it goes back to is the known at lost ideas that if you are going to destroy wetlands somewhere else during development those should be compensated somewhere else by restoring wetlands that have already been lost. So you try to achieve some sort of balance. Whereas if you are just preserving an already intact wetlands, that is good and they want that as a component of it, but since those wetlands have not been destroyed they are not... basically they are trying to promote establishing more acreages of wetlands that have been lost in the past.

Ms. Kirkman: Is there a minimum size property? You mentioned a mile of stream restoration, like are there minimum areas that we should be considering for this ordinance?

Mr. Lott: No because they could... it's what is called umbrella banks where they might put it on smaller parcels and then put them underneath one banking instrument. I think the bankers prefer bigger style farms because as a developer of a bank they are looking to create the most credits to sell on the open market. So they are ideally looking for large pieces of land that have the potential for creating wetlands, restoring degraded streams and what not. And for example I was working with a consulting firm looking to possibly create wetlands before I heard about this one, a mitigation bank on county owned property and they were small pieces of land and the Army Corps of Engineers wasn't widely excited about the proposal. It was very, very early if you read that attachment I gave you it describes the process. It was at the very beginning of that process but they clearly were not terribly motivated and there are a lot of banks going through this process right now so they can kind of pick and choose the regulatory agencies, which ones they want. And I think right now they are leaning towards the bigger properties that are restoring large areas of wetlands and streams.

Ms. Kirkman: Thank you.

Mr. Howard: Thank you. Mrs. Baker, Planning Directors report?

PLANNING DIRECTOR'S REPORT

Mrs. Baker: Just to mention the Board actions yesterday, we have already discussed the referral of the Boswell's Corner density... residential density. They did also grant the extension of time for the Telecom Joint Committee. So the Committee now has until May 31st and the Planning Commission would have until August 1st to conduct their public hearing and a make a recommendation. They did also authorize a public hearing for the Redistricting Plan for May the 3rd. We did include that as a handout for you tonight, the actual Resolution as well as the draft map that is going forward. You all had asked at your last meeting about the tallest tower...

Mr. Howard: Yes.

Mrs. Baker: ... in the county and the location. And we did find there is a 500 foot radio tower and that is near the Seven Lakes development off of Chriswood Lane. So that is the tallest and it is a radio tower.

Mr. Howard: I can see it from my house.

Planning Commission Minutes
April 20, 2011

Mrs. Baker: Also, May 4th is your UDA Comp Plan public hearing and that is the only public hearing we have scheduled for that evening.

Mr. Howard: Right.

Mrs. Baker: And you do have another handout that was included in your package. It was regarding the Quantico Corporate Center which is going to come back to you next meeting.

Mr. Howard: Right.

Mrs. Baker: And that was just information on the road construction.

Mr. Howard: Okay. Ms. Kirkman, you said you have an update on that?

Ms. Kirkman: I actually have a question regarding that. What is that?

Mr. Howard: Were you meeting with that... were you having a meeting with that applicant?

Ms. Kirkman: Well the process that I had asked the applicant and the staff to follow was for the two of them to get together.

Mr. Howard: Okay.

Ms. Kirkman: To come up with some revised language to address the concerns. And I... the planner for that is not here tonight. I don't know what the status for that is.

Mr. Howard: Okay.

Mrs. Baker: They did meet last Friday and I guess I don't have the information on that. They are still working with the applicant to provide additional information. I don't know if that had been received as of today.

Ms. Kirkman: I have not received any revised proffers.

Mrs. Baker: I am saying we have not received it back from the applicant subsequent to that meeting that occurred on Friday.

Mr. Howard: Can you forward that on to us if that comes in?

Mrs. Baker: Yes, if it does come in, we will do that.

Mr. Howard: Mr. Rhodes?

Mr. Rhodes: I just might suggest that possibly the Commissioner from Widewater might consider restating what her expectations were of the discussion there. Because many times we come back to the following meeting and then somehow there has been a disconnect in her perception of what she asked for is not always the same as what the staff thought they heard.

Planning Commission Minutes
April 20, 2011

Mr. Howard: Okay, Ms. Kirkman do you have a desire to restate that?

Ms. Kirkman: I don't at this time because I don't have my notes with me and I did clearly state and if staff has any concerns or questions I am sure they will get in contact with me. I continued to communicate with them regarding this issue. I did have a question regarding the document that was provided to us about Quantico, regarding that.

Mr. Howard: Okay and your question is?

Ms. Kirkman: It looked like some kind of form about projects that had been suggested for that area. But my question was has there been funding that has actually been allocated for the road improvement? Because that wasn't clear to me from the document.

Mrs. Baker: I don't have an answer on that. I know Mr. Harvey had some discussions on this and we will have to wait and get that information to you.

Mr. Howard: Again if that is available Mrs. Baker before the next meeting it would be great to see that if any of those road improvements have any funding allocated. That would be good to know. While we are speaking of antennas or large poles, after the meeting with the AM antenna I went and did my research. Apparently this would have been a simple explanation but I am just going to provide it for everyone. An AM Antenna works on ground waves verses an FM antenna transmits over sound waves. In order to create a ground wave you did need a certain amount of ground and that would have been a much better... I am really consolidating the explanation that is available, but I would have understood that a little bit better. You still can plant, just for the record you can still have plantings when you have a ground antenna and you are generating ground waves. But for another day. That is my Chairman's report. Anything else Mrs. Baker? Mr. Smith, County Attorney's report?

COUNTY ATTORNEY'S REPORT

Mr. Smith: No report Mr. Chairman

Mr. Howard: Alright; anybody move for approval of minutes?

COMMITTEE REPORTS

12. Transfer of Development Rights (TDRs) **(In Joint Committee)**
13. Telecommunications Plan Update **(Time Limits: April 29, 2011 - Joint Committee completes work and forwards to Planning Commission; July 5, 2011 - Planning Commission conducts public hearing and makes a recommendation)**

CHAIRMAN'S REPORT

OTHER BUSINESS

APPROVAL OF MINUTES

March 2, 2011

Planning Commission Minutes
April 20, 2011

Mr. Mitchell: Mr. Chairman, I make a motion for approval of the March 2, 2011 Planning Commission minutes.

Mr. Rhodes: Second.

Mr. Howard: Any discussion on the minutes from anyone? Hearing none I will call for the vote. All those in favor of approving the minutes for March 2, 2011, signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7 to 0. The meeting is adjourned. Thank you.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 10:34 p.m.